

GOVERNMENT OF INDIA



WHITE PAPER
ON
INDIAN STATES

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FOREWORD

In the opening paragraph of its report the Butler Committee observed "Politically there are . . . two Indias, British India, governed by the Crown according to the statutes of Parliament and enactments of the Indian Legislature, and the Indian States under the suzerainty of the Crown and still for the most part under the personal rule of the Princes. Geographically India is one and indivisible, made up of pink and yellow. The problem of statesmanship is to hold the two together."

2 That is how 19 years ago the problem of the Indian States presented itself to the authors of this important report on the Indian States. But were there really two Indias? And was the problem merely to hold them together?

3 A glance at the map (Appendix I) showed that geographically India was one and indivisible. The territories of the Indian States were dovetailed into, and closely interwoven with, those of what was then British India. Even where the map showed solid blocks of the Indian States the territories were so irregular that the States had enclaves in the Provinces and *vice versa*.

4 The main part of the communications essential to the welfare of the whole of the country passed in and out of the territories of the Indian States. A community of interests in the wider economic field linked the States with the Provinces. If the States and the Provinces failed to co-operate in implementing policies on matters of common concern, there was a vacuum which rendered it impossible to enforce effective measures in respect of such matters in any part of the country.

5 The geographical set up of the Indian States did not coincide with any ethnic, racial or linguistic divisions. The peoples of the Provinces and the States had suffered alike from the waves of foreign invasions and foreign domination. Close ties of cultural affinity, no less than those of blood and sentiment, bound the people of the States and the Provinces together.

6 What was it then that separated the Indian States from the rest of India? Firstly, the historical factor that unlike the Provinces the States had not been annexed by the British Government. Secondly, the political factor that the States maintained the traditional monarchical form of Government.

7 Did these factors, however, really segregate the States from the Provinces and create an impassable political barrier between them? The freedom of the Indian States from foreign subjugation was only relative; the paramount power controlled the external affairs of the States and exercised wide powers in relation to their internal matters. The whole of the country was, therefore, in varying degrees under the sway of the British Government. Besides in the context of the demand for India's freedom the degree of control exercised by the British power ceased to have any meaning. Nor was there any reason to over-emphasize the political difference between the States and the Provinces. There was nothing incompatible between the systems of governance in the Provinces and the States provided the supremacy of the common popular interests was recognised and representative and responsible Governments were established in the States.

8 India was, then, not only a geographical and cultural continuum but also one economic and political entity. The problem of statesmanship in

that case could not merely be to hold the two Indias together. The real problem was how to bring about a clearer appreciation on the part of all political elements in India that they were heirs to the heritage of the common culture of India, and how to weld the States and the Provinces together in a joint endeavour to raise India to her full stature.

9 On 3rd June, 1947, the plan for the partition of India was announced and accepted by the principal political parties in India. The period of one year following that fateful day will go down as a most momentous one in India's history not only because it was during this year that India attained her freedom but also because it has witnessed a mighty interplay of two powerful forces. One has been the disruptive force of communal exclusiveness which has led to the secession from India of certain parts of this country and their constitution into an independent State. The other has been the revitalising and uniting force of enlightened mutual interests in a free and resurgent India which has swept away the barriers that separated the Indian States and the Provinces. How far in balance one process has set off the other is for the future to unfold.

10 During the recent months a tremendous change has come over the Indian States. This change has been brought about by a process of two fold integration, firstly consolidation into sizeable and viable administrative units and, secondly, growth of democratic institutions and responsible governments. This bloodless revolution has been brought about on the one hand by the operation of democratic forces unleashed by freedom and, on the other, by the patriotic attitude of the Rulers who have been quick to appreciate the change.

11 It has been the policy of the Government of India to appropriate the sentiments and the wishes of the people and the sense of public service and patriotism of the Rulers, towards the attainment of the objective that they have had before themselves, namely the integration of the Provinces and the States in a strong and united India in which the peoples of the States and the Provinces would partake in the fullest measure in the enjoyment of the fruits of freedom.

12 The purpose of this White Paper is to present information, backed by documents regarding the policy of the Government of India towards the Indian States and the developments that have taken place in respect of the States since 5th July 1947, when the States Department of the Government of India was set up. An analysis of the historical and political background of the problem of the States will be helpful in taking stock of the great change that has come over them during the recent months. This is contained in the first two of the four parts into which this White Paper is divided. The first part gives statistics about the States and outlines their position under the paramountcy of the British Crown. The second part surveys the course of developments since the promulgation of the Government of India Act, 1935, till the Statement issued by His Majesty's Government on 3rd June, 1947. The third part deals with the events leading up to the accession of the States to the Dominion of India. The fourth part deals with subsequent developments in the direction of the integration and democratisation of the States.

13 The White Paper surveys the political trends and developments in respect of the Indian States generally, it does not deal with the States of Hyderabad, Kashmir and Junagadh, where the course of events has been affected by special factors.

July 5, 1948

PART I

INDIAN STATES UNDER PARAMOUNTCY OF THE BRITISH CROWN
GENERAL SURVEY

INDIAN STATES

1 Sub Section (1) of Section 311 of the Government of India Act 1935 which has now been omitted defined 'Indian State' as including any territory whether described as a State an Estate a Jagir or otherwise belonging to or under the suzerainty of a Ruler who is under the suzerainty of His Majesty and not being a part of British India. In political practice the term applied to a political community occupying a territory in India of defined boundaries and subject to a common Ruler who enjoyed or exercised as belonging to him any of the functions and attributes of internal sovereignty duly recognised by the Paramount Power.

2 The Butler Committee and the Simon Commission applied this elastic term to 562 units whereas the Joint Committee on Indian Constitutional Reforms referred to 600 units as States. The term covered at one end of the scale units like Hyderabad and Kashmir which were of the size of the United Kingdom and at the other end minute holdings in Kathiawar extending only to a few acres*.

3 Out of the total area enclosed within the territories of pre Partition India i.e. 15 81 410 square miles the Indian States covered an area of 7 15 964 square miles which constituted about 45% of the total Indian territories. In post Partition India the area covered by the States geographically contiguous to India was reduced to 5 87 989 square miles being about 48% of the total area of the Dominion of India viz. 12 20 099 square miles. The Kashmir State with a territory of 84 471 square miles and the Hyderabad State closely following it with a territory of 82 313 square miles constituted the largest territorial units amongst the States. There were 15 States which had territories of more than 10 000 square miles and 67 having territories ranging from 1 000 to 10 000 square miles. There were 202 States having each an area of less than 10 square miles†.

4 The total population of the States according to the census figures of 1941 was 9 31 89 233 constituting about 24% of the total population of pre Partition India namely 38 89 97 955 after Partition the total population of the Dominion of India was reduced to 31 89 12 506 and of the States within the geographical orbit of the Indian Dominion to 8 88 084 84 changing the relative population ratio of the States from 24% to 27%.

5 In pre Partition India 16 States had a population of over one million. These 16 States plus 4 others with a population of more than 750 lakhs but less than a million were assigned individual representation in the Constituent Assembly. These 20 States claimed 60 seats in the Constituent Assembly as against 33 seats assigned to the rest of the States. Of these 20 States 11 were entitled to send two or more representatives. Of the rest 13 had a population between five and seven and a half lakhs. The remainder of the 140 States which were members of the Chamber of Princes in their own right had a population ranging from 25 000 to 5 00 000.

6 The distribution of principal communities over the territories of the States in post-Partition India showed that 27% and 28% respectively of the total population of Hindus (including Scheduled Castes) and Muslims were to be found in the States. In the case of the Sikhs and Indian Christians however the percentage was much higher in that the States claimed 50%.

*A statement showing area and population of the Indian States is appended (Appendix II).

†Figures of area and population are based on the Statistical Handbooks published by the Constituent Assembly.

of the Indian Christians and 86% of the Sikhs residing in the Dominion of India. The corresponding figures for pre Partition India were Hindus 25% Muslims 16% Indian Christians 46% and Sikhs 27%.

7 The revenues of the States which in numerous cases did not reflect their relative areas and population showed equal disparity. According to the latest figures available for three years average annual revenue of the States 19 States had a revenue of rupees one crore or more a year seven had revenue ranging between fifty lakhs to one crore and the figure descended gradually till in the case of petty principalities it showed a revenue approximating to an artisan's average wages.

HISTORICAL SURVEY

8 Historically the main common feature that distinguished the States from the Provinces was that the States unlike the Provinces had not been annexed by the British Power. In their individual origin however the evolution and growth of States represented different processes. Firstly there were the old established States such as those in Rajputana which were in existence before the main waves of foreign invasion took place. Another class consisted mainly of the States with Muslim dynasties which were founded by the nobles or the Viceroy's of the invading foreign Emperors. Thirdly there were the States which emerged in the period of decline of the Moghul power and prior to the final stages of the consolidation of the British territory. Then there were the newer States which the British recognised during the final period of consolidation. Only one State namely Benares was set up and recognised since the assumption of the Government of India by the Crown.

GEOGRAPHICAL SURVEY

9 Geographically the States were scattered over every portion of the map of India. The yellow and pink map of pre Partition India (Appendix I) showed the Baluchistan States and the States of Kashmir and Sikkim (the last one sometimes shown in pale green to indicate that unlike other States it was under the External Affairs Department) on the frontiers of India. It showed in the north east Cooch Behar enclosed within the territories of the Bengal Province and the Manipur State surrounded by the territories of the Province of Assam. Southwards in the eastern portion of India the next block of Indian State territory was to be found in a chain of small States which were known as the Chattisgarh and Orissa States. Further south figured the States of Hyderabad and Mysore the latter a unit larger than the Irish Free State and having twice its population. Facing the Indian Ocean farther southwards still were the two densely populated States of Cochin and Travancore. Northwards up the west coast and both on the coast and inland were to be found various States mainly of the Mahratta period the largest of these being Kolhapur. The chain of States ended with the State of Baroda made up of several separate areas to the north of Bombay Presidency. Further to the north west lay the extremely numerous assemblage of States and Estates included in the Western India States Agency of which the better known were Kutch, Nawanager, Bhavnagar and Junagadh. To the north east of Bombay separating Bombay and the Central Provinces from the United Provinces lay the main mass of Central India States which included Gwalior, Indore and Rewa. The northern and north western portion of Bombay was divided from the Punjab by the wide strip of Rajputana States. Among the States of this group which constituted the largest unit of the Indian States were the important Rajputana States of Bikaner, Jaipur, Jodhpur and Udaipur. In the United Provinces were to be found the isolated States of Tehri, Garhwal, Rampur and Benares. To the north west were the Punjab States including Patiala stretching up to Simla and the

States of Jind, Nabha and Kapurthala, and a number of smaller States. Further west appeared the State of Bahawalpur. The State of Khairpur lay in the geographical orbit of Sind.

POLITICAL DIVERSITY OF STATES ✓

10 The internal administration of the States and their political set up varied greatly. There was a very wide difference in the degree of administrative efficiency reached by the most advanced and the most backward. According to the information circulated by the Chamber of Princes in 1946 over 60 States had set up some form of legislative bodies. In several others schemes for associating people with the governance of their States were under consideration. In most of the cases the development of representative institutions did not approximate to the growth of self governing institutions in the Provinces, which were on the threshold of complete freedom. However everywhere there was a growing consciousness of the rights and liberties of the people and a new spirit was abroad.

THREE CATEGORIES OF STATES ✓

11 According to the Butler Committee the Indian States as they existed could be classified into three distinct categories —

- (i) States the Rulers of which were members of the Chamber of Princes in their own right 108 in number
- (ii) States, the Rulers of which were represented in the Chamber of Princes by 12 members of their Order elected by themselves 127 in number
- (iii) Estates Jagirs and others 327 in number

The first category included the Ruling Princes who enjoyed permanent dynastic salute of 11 guns or more together with other Rulers of the States who exercised such full or practically full internal powers as in the opinion of the Viceroy, qualified them for individual admission to the Chamber. As a result of fresh admissions the membership of the Chamber was enlarged to 140 States.

THE CHAMBER OF PRINCES

12 The Chamber was a deliberative consultative and advisory body which was brought into being by a Royal Proclamation on 8th February, 1921. The establishment of the Chamber did not affect the individual relations between any State and the Representative of the Crown, but it involved a deviation from the earlier policy under which the Crown discouraged joint action and deliberation between the Indian States.

TREATIES, ENGAGEMENTS AND SANADS ✓

13 There were 40 States which had treaties with the Paramount Power. A larger number of States had some form of engagements or Sanads, i.e., acknowledgment of concession or authority or privileges generally coupled with conditions proceeding from the Paramount Power. The remainder enjoyed in some form or other recognition of their status by the Crown. More than 2/3rds of the population of Indian States was to be found in the States governed by treaties.

14 The Treaties Engagements and Sanads covered a wide field. The more important of them related to mutual amity and defensive alliance. These generally provided for territorial integrity, internal sovereignty and

protection of States, prohibition of external intercourse and mutual aggression the right of the British Government to advise in certain circumstances and tributes if any

15 A number of them dealt with allied matters such as exchange cession and gift of territories cession of jurisdiction for railway and other purposes cantonments and Imperial Service troops

16 The Treaties dealing with important financial and economic matters included Postal and Postal Conventions Currency and coinage arrangements engagements for opium Salt agreements arrangements for exchange of postal correspondence telegraph and telephone lines

17 Lastly there were miscellaneous agreements such as those relating to certain trade arrangements construction of canals leasing of forests and construction of waterways

18 The rights and obligations of the States arising out of these agreements varied from State to State Thus for instance so far as the arrangements for exchange of postal correspondence were concerned five States were entitled to maintain separate postal system and they had Conventions with the Government of India which provided *inter alia* for mutual exchange of correspondence parcels money orders etc Ten other States were entitled to maintain a separate postal system but had no postal agreements with the Government of India Twenty seven States were entitled to receive service stamps free of cost In six States official correspondence passing within the State and intended for delivery within it was carried free of charge by the Postal Department of the Government of India

RELATIONSHIP BETWEEN THE PARAMOUNT POWER AND THE INDIAN STATES

19 The paramountcy of the British Crown was not so extensive with the rights of the Crown flowing from the Treaties It was based on Treaties Engagements Sanads as supplemented by usage and sufferance and by decisions of the Government of India and the Secretary of State embodied in political practice The rights that the Paramount Power claimed in exercise of the functions of the Crown in relation to the States covered matters both external and internal

20 For external purposes State territory and the State subjects were in the same position as British territory and British subjects The States had no international life and in consequence of the loss by them of their power of negotiation and legation the paramount power had the exclusive authority of making peace or war or negotiating or communicating with foreign States The rights and duties assumed by the Paramount Power in regard to external affairs carried with them consequential rights and duties The Paramount Power was responsible for implementing its international commitments the Princes were required to give effect to the international obligations entered into by the Paramount Power

21 The right of intervention in the internal affairs could be exercised for the benefit of the Ruler of the State of India as a whole or for giving effect to international commitments The authority of the Paramount Power could thus be interposed *inter alia* for the prevention of dismemberment of a State the suppression of a rebellion against the lawful sovereign the prevention of gross misrule the economic growth of the whole of India checking inhuman practices or offences against natural law or public morality

22 The Paramount Power was responsible for the defence of both British India and the Indian States and exercised full control over all

matters connected with defence, such as the establishment of cantonments, the regulation of the strength of the armed forces of the States, the procurement of supplies free passage of troops supply of arms and ammunition etc

23 Lastly the Paramount Power claimed certain important rights as derived from the Royal Prerogative These included the exclusive right to settle precedence and to grant honours, to regulate ceremonies, to recognise all successions and to settle disputes as to succession, to impose or remit *nazarana* or succession duties, to take charge of the States of minors and to provide for their education, and to impose the duty of loyalty to the Crown

24 Paramountcy thus made serious incursions into the internal sovereignty of the States and it was natural that the Rulers should seek codification of the political practice The appointment of the Indian States Committee in 1927 to report upon the relationship between the Paramount Power and the Indian States was an outcome of these efforts The Committee however found it impossible to evolve a formula which would cover the exercise of Paramountcy It expressed the view that "Paramountcy must remain paramount, it must fulfill its obligations, defining or adapting itself according to the shifting necessities of the time and the progressive development of the States"

Such was the political set up of the Indian States under the Paramountcy of the British Crown

PAR I II

THE STATES UNDER THE SCHEME OF THE GOVERNMENT OF INDIA ACT, 1935
AND SUBSEQUENT PLANS FOR INDIA'S CONSTITUTIONAL ADVANCEMENT

FEDERAL SCHEME

25 The Federal Scheme embodied in the Government of India Act, 1935 was the first effort to provide for a constitutional relationship between the Indian States and the Government of India on a federal basis One of the special features of this scheme was that, whereas in the case of the Provinces accession to the federation was to be automatic in the case of the States accession was to be voluntary and the establishment of the contemplated federation was conditional on the accession of States entitled to fill not less than 52 seats of the Council of State, and having an aggregate population of not less than one half of the total population of the States

26 The accession was to be effected by the King's acceptance of an Instrument of Accession, the terms of which made it clear that the Act asserted no authority over the State save such as flowed from the Ruler's freely executed Instrument In the extra federal field the paramountcy of the British Crown was to continue

27 The Instrument which was to be the overriding document was to govern the accession and had to specify the matters on which the Federal Legislature was to have power to legislate for the State and any limitations subject to which the legislative and executive power of the federation was to be exercised in relation to that State

28 The Instruments were to provide that a number of provisions of the Act, which were specified in the Second Schedule to the Act might be amended without affecting the accession of the States, but no such amendment was to extend unless accepted by the Rulers concerned by means of supplementary Instruments, the functions exercised by any federal

authority in respect of the States. Thus apparently any change in the basic structure of the federation or any amendment materially altering such provisions as those relating to the position of the Governor General in respect of External Affairs and Defence would have affected the accession of the States. From the point of view of the progressive public opinion in British India, these provisions seemed to rule out completely the transfer of responsibility at the Centre.

29 It was not obligatory for the King to accept any Instrument. In fact, it was provided that no Instrument would be accepted, the terms of which were inconsistent with the scheme of the federation embodied in the Act.

30 An important feature of this scheme was that the proposed federation was to be composed of disparate constituent units in which the powers and authority of the Central Government were to differ as between one constituent unit and another. This anomaly was sought to be justified on the ground that it was only by limiting the content of the accession of the States, which had enjoyed a considerable measure of internal sovereignty, that they could be brought into a constitutional relationship with the Government of India. It was urged that the measure of unity that could be conferred by an all India federation would bring added strength, stability and prosperity to India as a whole and would outweigh the disadvantages of its anomalies and imperfections.

31 The promulgation of the Act of 1935 was followed by protracted negotiations during the course of which the draft of the Instrument of Accession underwent several changes. However, till September 1939 when the suspension of negotiations in that behalf was announced, the establishment of the contemplated federation was not in sight. To the Princes much of the essence of federation appeared to turn out to be the negation of all to which they had been accustomed. Their approach to the problem was governed by the view that their accession to federation involved a process of levelling down so far as their internal sovereignty was concerned, as against the Provinces which were to be levelled up as autonomous units and that, therefore, the Provinces and States could not be treated alike. On the other hand, progressive public opinion in British India hardened against the apparent effort of the Princes to whittle down the content of their accession to a farce, as also against such reactionary features of the federal scheme as the installation of dyarchy at the Centre in the form of the reserved subjects in the hands of the Governor General. In the meantime, the Muslim League veered round to a position of determined hostility to all constitutional plans which envisaged a common centre for the whole of India. Denounced by the main political elements in India for diverse reasons, the federal scheme of 1935 died unhonoured and unused.

CRIPPS PLAN

32 With the abandonment of the federal scheme which was announced by Lord Linlithgow on 11th September, 1939, the power to veto responsibility at the Centre which had virtually vested in the Rulers of Indian States, passed out of their hands. This was evident from the position that was assigned to the States in the next important announcement on the constitutional set up of India viz, the draft declaration known as the Cripps Plan.

33 The immediate purpose of the Cripps Mission was to induce the British Indian Party leaders to agree to share the responsibilities of the Central Government in which the States were not required to participate. The main reason for proposing the scheme for

constitution making was to promote such an agreement. The draft Declaration therefore primarily concerned itself with British India. It promised the non seceding Provinces if they so desired the same full status as the Indian Union but as regards the States it only stated that, whether or not a State adhered to the new Constitution it would be 'necessary to negotiate a revision of its treaty arrangements so far as they may be required in the new situation'.

84 The Cripps Plan as it stood seemed to differentiate between the Provinces and the States in applying the principle of non adherence. Attention to this apparent discrepancy was drawn in a memorandum submitted to Sir Stafford Cripps by the Delegation of Indian States in which it was urged that non adhering States or a group of States should have the right to form a Union of their own with full sovereign status in accordance with a suitable and agreed procedure for the purpose. It was emphasised on behalf of the States Delegation that the existence of such a provision which would place the States at par with the Province for constitutional negotiations need not necessarily lead to the setting up of a separate Union or Unions of the Indian States. In fact it was stated that the Indian States would make their fullest contribution towards evolving an Indian Union acceptable to them and to other Units in India. Sir Stafford Cripps told the States Delegation that the contingency of a separate Union or Unions of the States had not been considered in connection with the Draft Declaration but he personally did not see any fundamental impossibility in the suggestion.

85 The Cripps Plan accepted the principle of self determination but it was full of snags which imperilled the future of India. Even more unsatisfactory than the picture of the future that the Plan contained was itsiggardly and halting approach to the present. The failure of the Cripps Mission gave new turn to India's political struggle.

SIMLA CONFERENCE OF 1945

86 In spite of the deepening crisis of the war no further serious effort was made to resolve the political deadlock in India until the Simla Conference of 1945. In view of its limited objective the States were not invited to this Conference. It turned out to be no more than a full dress rehearsal of the Cripps drama, the usual series of conferences, an occasional flicker of hope, the final veto of communal intransigence and a trail of bitterness and frustration.

CABINET MISSION'S PLAN

87 The assumption of power by Labour in England, the increasing international complications, the aftermath of the war and the growing realisation of the fact that it was impossible to keep under subjection four hundred millions of exasperated people brought about a change in the British policy towards India. A Parliamentary Delegation visited India in 1945-46 to gain first hand knowledge of the political situation in this country. On 19th February 1946 the Secretary of State for India Lord Pethick Lawrence announced his Government's decision to send a delegation of three Cabinet Ministers to India.

88 The Cabinet Mission which consisted of Lord Pethick Lawrence, Sir Stafford Cripps and Mr. A. V. Alexander arrived in India on 23rd March 1946. In earlier announcements the States had been assured that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown without their consent. It was however expected that the consent of the Princes to any changes which might emerge as a result of negotiations would not be unreasonably withheld. In his letter to the Chancellor of the Chamber of Princes dated

12th May, 1946, Lord Wavell repeated the assurance, that there was no intention of making proposals for the entry of States into the Indian set up on any basis other than of negotiation

39 On 12th May, 1946 the Cabinet Mission issued the Memorandum in regard to States Treaties and Paramountcy (Appendix III), it affirmed that the rights of the States which flowed from their relationship with the Crown would no longer exist and that the rights surrendered by the States to the Paramount Power would return to the States. The void caused by the lapse of Paramountcy was suggested to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India or by entering into particular political arrangements with it or them. The memorandum also referred to the desirability of the States in suitable cases forming or joining administrative units large enough to enable them to be fitted into the constitutional structure as also of conducting negotiations with British India in regard to the future regulation of matters of common concern specially in the economic and financial field.

40 The Cabinet Mission's Plan announced on 16th May, 1946, (Appendix IV), provided for the entry of the States into the proposed Union of India in the following manner —

(a) Paramountcy could neither be retained by the British Crown nor transferred to the new Government. But according to the assurance given by the Rulers that they were ready and willing to do so the States were expected to co operate in the new development of India.

(b) The precise form which the co operation of the States would take must be a matter for negotiation during the building up of the new constitutional structure and it by no means followed that it would be identical for all the States.

(c) The States were to retain all subjects and powers other than those ceded to the Union namely Foreign Affairs Defence and Communications.

(d) In the preliminary stage the States were to be represented on the Constituent Assembly by a Negotiating Committee.

(e) In the final Constituent Assembly they were to have appropriate representation not exceeding 93 seats the method of selection was to be determined by consultation.

(f) After the Provincial and Group Constitutions had been drawn up by the three Sections of the Constituent Assembly the representatives of the Sections and the Indian States would reassemble for the purpose of settling the Union constitution.

The Plan did not deal with the States in detail and its vague provisions regarding the association of the States with the Constituent Assembly caused some difficulty as regards the stage at which they could come in as regular members of the Constituent Assembly.

41 In its Resolution dated 24th May 1946 the Congress Working Committee expressed the view that the Constituent Assembly could not be formed by entirely disparate elements and the manner of selecting States representatives for the Constituent Assembly must approximate in so far as was possible to the method adopted in the Provinces. However in the Press Statement issued by the Cabinet Mission on 20th May 1946 it was reaffirmed that the question of how the States representatives should be appointed to the Constituent Assembly was not a matter for decision by the Cabinet Mission and was clearly one which must be discussed with the States.

42 In his Statement before the House of Lords on 18th July, 1946, Lord Pethick Lawrence repeated the assurance that it was for the States freely to come in or not as they chose. In a statement made before the House of Commons on 18th July, 1946 Sir Stafford Cripps stated that there would have to be close negotiations between the Negotiating Committee which the States had set up and the major British Indian parties both as to the representation of the States in the Constituent Assembly and as to their ultimate position in the Union.

43 The Standing Committee of the Chamber of Princes in its Statement dated 10th June 1946 expressed the view that the Plan provided a fair basis for negotiations and subsequently set up a representative committee to negotiate the States' entry into the Constituent Assembly.

44 By a resolution passed on 21st December 1946 the Constituent Assembly appointed a Committee to confer with the Negotiating Committee set up by the Chamber of Princes for the purpose of —

(a) fixing the distribution of the seats in the Assembly not exceeding 93 in number which in the Cabinet Mission's Statement of 16th May, 1946 are reserved for Indian States

(b) fixing the method by which the representatives of the States should be returned to the Assembly.

45 The settlement arrived at between the two Committees is embodied in the report, dated 17th April 1947 of the Committee appointed by the Constituent Assembly.

During the course of the negotiations between the two Committees it was suggested that His Majesty's Government's Statement of 20th February 1947 had introduced an additional element of urgency and that it would be helpful if the States' representatives joined the Assembly during the April 1947 session. Although the States' Negotiating Committee expressed its inability to adopt such a course in the absence of a mandate from the General Conference of Rulers, the representatives of the States of Baroda, Cochin, Jaipur, Jodhpur, Bikaner, Patiala and Rewa took their seats in the Constituent Assembly on 29th April 1947. With the exclusion of the States that have gone over to Pakistan, the States' representation on the Constituent Assembly was reduced from 93 to 90 seats. Of these 54 seats have been filled. Of the States which have been allotted individual representation and which have acceded to the Dominion of India, all States except Kashmir, Bhopal and Travancore have sent their representatives. Hyderabad has not yet acceded to the Dominion and has therefore not agreed to send any representatives. Representatives have been returned by all the Groups though certain States in some of them did not participate in their selection.

HIS MAJESTY'S GOVERNMENT'S STATEMENT OF 3RD JUNE, 1947

47 His Majesty's Government's Statement of 3rd June 1947, which superseded the Cabinet Mission's Plan of 16th May 1946, contained the following reference to the States —

'His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission Memorandum of 12th May 1946 remains unchanged.

48 This Statement was accepted by both the Congress and the Muslim League and formed the basis of the method of the transfer of power to the successor Governments.

PART III.

ACCESSION OF THE STATES TO THE DOMINION OF INDIA

LAPSE OF PARAMOUNTCY

49 Till the lapse of Paramountcy, the Crown as represented by and operating through the Political authorities provided the nexus between the Indian States and the Central and Provincial Governments. The pivot of this arrangement was the Viceroy, who represented to the Indian States the suzerainty of the British Crown while at the same time he was, in relation to British India, the head of the Government. The Indian Independence Act released the States from all their obligations to the Crown and it was evident that in consequence the Indian States became separate independent entities, there would be a serious administrative vacuum not only with regard to the political relationship between the Central Government and the States but also in respect of the co-ordination of all India policies in the economic and other fields. All that the Dominion Government inherited from the Paramount Power was the proviso to Section 7 of the Indian Independence Act, which provided for the continuance until denounced by either of the parties, of agreements between the Indian States and the Central and Provincial Governments in regard to specified matters, such as Customs Posts and Telegraphs, etc (Appendix V)

✓ STATES DEPARTMENT

50. It was against this background that the Government of India decided to set up a Department to conduct the relations with the States in matters of common concern

51 On 13th June, 1947, His Excellency the Viceroy, Lord Mountbatten invited Pandit Nehru, Sardar Patel and Acharya Kripalani (on behalf of the Congress), Mr Jinnah, Mr Liaquat Ali Khan, and Sardar Nishtar (on behalf of the Muslim League), and Sardar Baldev Singh (on behalf of the Sikhs), to attend an informal meeting to discuss the problem of the States. Sir Conrad Corfield (Political Adviser) was also present. Among the agreed conclusions reached at this meeting was the following —

That it would be advantageous if the Government of India were to set up a new Department, possibly called the "States Department, to deal with matters of common concern with the States, that, if this were done, the new Department should be divided into two sections ready for the partition of the country, and that the existing Political Department and the Political Adviser should give all possible assistance and advice in the formation of this new Department."

52 The above conclusion was considered, in the form of a recommendation, by the Cabinet of the Interim Government at its meeting on 25th June 1947 and the decision of the Cabinet in that behalf was announced in the Press Communiqué issued on 27th June 1947, which read —

In order that the successor Governments will each have an organisation to conduct its relations with the Indian States when the Political Department is wound up, His Excellency the Viceroy, in consultation with the Cabinet, has decided to create a new Department called the States Department to deal with matters arising between the Central Government and the Indian States. This Department will be in charge of Sardar Patel who will work in consultation with Sardar Abdur Rab Nishtar

The new Department will be organised in such a way and its work so distributed that at the appropriate time it can be divided up between the two successor Governments without any dislocation

Mr V P Menon will be the Secretary of the new Department

Sardar Nishtar was thus nominated as the Muslim League member of the Interim Government to be consulted in the working of the new department Mr Ikramullah was appointed Joint Secretary of it It was intended that with effect from 15th August, 1947, they would hold charge of the States Department of Pakistan

NECESSITY OF A COMMON CENTRE ✓

53 The decision to partition India was a severe blow to the political and geographical integrity of India The unity of what was to be left as India after the partition, was so vital a necessity not only for the political strength, full economic development and cultural expression of the Indian people but also for facing the aftermath of the partition, that the Government of India could not view with equanimity any trifling with it The situation was indeed fraught with the gravest danger for as Professor R Coupiand has put it India could live if its Muslim limbs in the north west and north east were amputated, but could it live without its heart? The first task to which the newly created States Department had to address itself, therefore, was the conserving of the heart of India This required a common centre for the whole country including the Indian States, able to function effectively in the Provinces and States alike in matters requiring all India action

SARDAR VALLABHBHAI PATEL'S STATEMENT OF 5TH JULY, 1947 ✓

54 On the day the States Department came into being i.e., 5th July 1947 the Hon ble Sardar Patel Member for States Department, issued an important statement (Appendix VI), defining the policy of the Government of India, in which he assured the States that no more was asked of them than accession on the three subjects of Defence, Foreign Affairs and Communications, in which the common interests of the country were involved and that their autonomous existence would be scrupulously respected He gave a further assurance that it would not be the policy of the States Department to conduct the relations with the States in any manner which savoured of the domination of one over the other, and that if there would be any domination, it would be the domination of mutual interests and welfare The Hon ble Member expressed the hope that the Indian States would bear in mind that the alternative to co operation in the general interest was anarchy and chaos which would overwhelm great and small in a common ruin if the States and Provinces were unable to act together in the minimum of common task

55 The Statement made by the Hon ble Member for the States Department was favourably received in the Princely circles and informal consultations which followed paved the ground for the negotiations leading up to the execution of the Instruments of Accession and Standstill Agreements

SPECIAL MEETING OF PRINCES ON 25TH JULY, 1947 ✓

56 The task of conducting negotiations with the Princes was entrusted by the Government of India to His Excellency Lord Mountbatten who was then the Crown Representative His Excellency called a special meeting of the Chamber of Princes on 25th July, 1947 (Appendix 8 any

VII) The meeting had been convened originally to consider the formula regarding Standstill Agreements. However, the States Department considered the question of the accession of the States to the Dominion of India as one of vital importance and included the item in the agenda of the Conference. In the course of his address His Excellency advised the Rulers to accede to the appropriate Dominion in regard to three subjects of Defence, External Affairs and Communications and assured them that their accession on these subjects would involve no financial liability and that in other matters there would be no encroachment on their internal sovereignty. At the end of the meeting His Excellency announced the personnel of the Negotiating Committee which was set up to negotiate on behalf of the States the terms of their accession to the Dominion of India.

✓ SUCCESSFUL CONCLUSION OF NEGOTIATIONS

57 When one looked back upon the barren course of the infructuous negotiations in connection with the scheme embodied in the Act of 1935 it seemed an impossible task to finalise the accession of the States within a reasonable period, particularly when there was no sanction of the paramountcy behind the negotiations. It is worth quoting the Sapru Committee in this connection —

the experience of the negotiations which Lord Linlithgow inaugurated and conducted between 1936 and 1939 do not encourage the hope that these consultations and investigations can be successfully concluded except with the exercise of infinite patience and after the lapse of several years. To hang up the federal Union of such units as are willing to federate until some State or a minimum number of States or the last hesitant State has agreed to accede would be a policy which is calculated to postpone indefinitely the elimination of foreign rule and the achievement of full self government.

The fact however that India stood on the threshold of freedom contributed greatly towards a more realistic approach to the problem than had been the case in the past. The impending transfer of full power to a National Government having the will and the sanction of the Indian people behind it, personal contact between the leaders of public opinion in India and the Rulers of States rendered possible by the withdrawal of the Paramount Power a previous policy of political isolation of States, and the patriotic lead given by some of the leading Princes enabled the Rulers of States to appreciate that it was both in the interest of their States and the country that the States should become actively associated with the Dominion Government instead of holding a watching brief as it were in the deliberations of the Constituent Assembly. With their valuable assistance and co operation and the helpful efforts of Lord Mountbatten negotiations were concluded in a week's time and barring Hyderabad, Kashmir and Junagadh all the States in the geographical limits of India acceded to the Indian Dominion.

✓ INSTRUMENT OF ACCESSION

58 The Instruments of Accession executed by the Rulers (Appendix VIII) provided for the accession of States to the Dominion of India on the three subjects namely Defence, External Affairs and Communications, their content being as defined in List I of Schedule VII to the Government of India Act, 1935. The Instrument of Accession formulated as a result of the discussions with the Princes was accepted only from the States which

exercised full jurisdiction. The States, in respect of which the Crown Representative exercised certain powers and jurisdiction, signed Instruments of Accession which provided also for the exercise of similar powers and jurisdiction by the Dominion Government.

STANDSTILL AGREEMENTS ✓

59 Standstill Agreements the acceptance of which was made by the Government of India conditional on accession by the States concerned were also entered into between the Dominion Government and the acceding States. The Standstill Agreements (Appendix IX) provided for the continuance for the time being of all subsisting agreements and administrative arrangements in matters of common concern between the States and the Dominion of India or any part thereof.

SIGNIFICANCE OF CONSTITUTIONAL RELATIONSHIP BETWEEN THE INDIAN DOMINION AND THE STATES

60. The accession of the Indian States to the Dominion of India established a new and more organic relationship between the States and the Government of India. The constitutional link thus forged proved strong enough to bear the stress of the upheaval through which the country has had to pass and enabled the Government of India and the Governments of the States and the Provinces concerned to take concerted and co-ordinated action in relation to matters of common concern.

61 The accession of the States to the Dominion of India was a momentous event in India's history. The full significance of this important development can be appreciated only if it is viewed against its most unpropitious background. For over half a century the States had been a sealed book so far as the leaders of public opinion in British India were concerned. High walls of political isolation had been reared up and buttressed to prevent the infiltration of the urge for freedom and democracy into the Indian States. Disruptive tendencies had been sedulously cultivated and encouraged and proposals for not only one but several Rajasthans were in the air. There were not a few who nursed the hope that, overwhelmed by the combined weight of the partition of India and the disruption of the States, the Government of India would go under.

62 In the context of these heavy odds and handicaps the consummation of the ideal of a federal India comprising both the Provinces and the States, was not a mean achievement. For the first time, after hundreds of years, India became welded into a constitutional entity.

PART IV

INTEGRATION AND DEMOCRATIZATION OF STATES

63 The accession of the Indian States to the Dominion of India was the first phase of the process of fitting them into the constitutional structure of India. The second phase which has rapidly developed during the recent months has involved a process of two fold integration: external integration i.e., consolidation of small States into sizeable administrative units and inner integration i.e., the growth of democratic institutions and responsible Governments in the States.

PROBLEM OF SMALLER STATES ✓

64 The small State has been the most vulnerable link in the chain of the Indian States. In 1933 the problem of consolidating some of the small States into local confederacies for the purpose of not only remedying their administrative deficiency but also facilitating their inclusion in any

federal arrangements applicable to India as a whole was considered but was eventually dropped as impracticable

65 In March 1939 Lord Linlithgow in his inaugural address to the Chamber of Princes stressed the desirability of the States with limited resources making arrangements for co-operative grouping for administrative purposes. The subject thereafter figured in all Chamber discussions and led to various co-operative grouping arrangements in different regions but these arrangements generally did not go beyond providing for common High Courts and common advisory staff for the Police force

66 On 16th April 1943 the Political Department issued a *communiqué* announcing the attachment with certain larger States of the small Western India States which collectively covered an area of 7000 square miles with a population of 8 lakhs. It announced the important principle that nothing which was not inherently capable of survival should be artificially perpetuated, — and that the ultimate test of fitness for the survival of any State was its capacity to secure the welfare of its subjects. All these half-hearted measures hardly touched the fringe of the problem and when the Government of the Dominion of India inherited this difficult legacy they were convinced that a more radical and realistic approach to the problem was clearly indicated

✓ POPULAR MOVEMENTS IN STATES

67 Hopes and aspirations, wrote the authors of the Montagu Chelmsford Report twenty nine years ago, may overlap frontier lines like sparks across a street. The events in the States since 15th August 1947 have borne out the truth of this statement

68 With the advent of independence, the popular urge in the States for attaining the same measure of freedom as was enjoyed by the people in the Provinces gained momentum and unleashed strong movements for the transfer of power from the Rulers to the people. The Rulers who were quick to appreciate the legitimate aspirations of their people gave them responsible Government

✗ MERGER OF ORISSA AND CHATTISGARH STATES

69 So far as the larger States are concerned the democratization of administration may be a satisfactory solution of their constitutional problem, however in the case of small States which are inherently incapable of survival as separate autonomous units, responsible Government would only prove a farce. It was only to be expected therefore, that when popular movements started in small States, they would not be able even to maintain law and order. This was particularly evident in the Eastern State known as Chattisgarh and Orissa States. The law and order situation in some of these States was so bad as to constitute a threat to the peace and tranquility of the adjoining Provinces.

70 So far as the Orissa States were concerned the Orissa Sub Committee appointed by the Simon Commission which was presided over by Mr. Attlee had expressed the view that the Orissa feudatory State should be brought into relationship with any administrative set up for Orissa. Subsequent Committees of inquiry relating to the setting up of Orissa as a separate Province were all of the opinion that the problem of Orissa States could not be divorced from that of the rest of the Province. These views however did not find favour with the late Political Department and nothing was done to implement the recommendations for integrating the Orissa States with the Orissa Province. The problem of the Chattisgarh States which were geographically and linguistically linked with the Central Provinces was more or less identical with that of the Orissa States.

71 It was in the context of these events that in the second week of December 1947 the Honble Sardar Vallabhbhai Patel visited Cuttack and Nagpur. The interests of the people no less than those of the Rulers of these States as also the wider interest of the country demanded a direct recourse to the obvious solution of the problem which had been delayed so long under the old régime. The National Government of free and democratic India could not temporize or tinker with an issue having so direct a bearing on the unification and planned economic progress of India. The Honble Sardar Patel had long discussions with the Rulers of these States and it was eventually decided to integrate these small States with the adjoining Provinces. This important decision the implementation of which was facilitated by the very helpful attitude of the Rulers secured the foundation of the policy of the integration of the small States.

72 The Orissa and Chhattisgarh State numbering 39 covered an area of about 56 000 square miles with a revenue of Rs. two crores and a population of 7 millions. The agreements (Appendix X) signed by the Rulers of these States on 14th December 1947 and subsequent dates provide for the cession by them to the Dominion Government of full and exclusive authority jurisdiction and powers for and in relation to the governance of their States.

73 These as well as similar other agreements subsequently entered into whether providing for the merger of States into the Provinces of India or for the integration of the territories of States in larger Units guarantee to the Rulers concerned their succession Civil List personal property rights privileges dignities and titles. The Civil List that has been guaranteed is generally less than the percentage for the Deccan States under the award given by Dr. Rajendra Prasad. Shri Shanker Rao Dev and Dr. Pattabhi Sitaramanna. It is calculated on the basis of 15% on the first lakh of the average annual revenue of the State concerned 10% on 2 to 5 lakh and 7½% above 5 lakhs subject to a maximum of 10 lakhs.

74 The administration of these States was made over to the Governments of Orissa and the Central Provinces on 1st January 1948. The Ruler of the Central India State of Makrai also later signed a similar agreement and the administration of the State was integrated with that of the Central Provinces with effect from 1st February 1948. The 25 States which merged with Orissa under these arrangements included Seraikela and Kharsawan. On further consideration however it was realized that on account of the situation of these two States as island territories in Singhbhum district it was impossible for any Government other than that responsible for the administration of that District to administer them effectively. The Government of India accordingly took over from the Government of Orissa the administration of these States and made it over to the Government of Bihar on May 19th 1948.

HONBLE STATES MINISTER'S STATEMENT ON POLICY OF INTEGRATION AND DEMOCRATIZATION

75 On 16th December 1947 the Honble Minister for States issued a statement (Appendix XI) explaining the background of the Agreement reached with the Rulers of the Orissa and Chhattisgarh States in the course of which he stressed the following important point —

- (a) Democratization of the administration which had long been the keynote of the Congress policy towards the State had become a pressing problem since 15th August

- (b) Democracy and democratic institutions could function efficiently only where the Unit to which these were applied could subsist in a fairly autonomous existence. Where on account of smallness of its size isolation of its situation and inadequacy of its resources a State was unable to afford a modern system of Government both democratization and integration were clearly and unmistakably indicated.

MERGER OF DECCAN STATES

76 The merger of the Eastern States gave an impetus to the people of other States with limited resources to seek a similar remedy for their difficulties. The Deccan States which had previously decided to merge their sovereignty in the proposed United Deccan State now decided in favour of the security that integration with a resourceful unit such as the Bombay Province could provide as against the hazards of separate existence as small units. They signed merger agreements on 19th February, 1948 and subsequent dates. The other States signed similar agreements and all States in Deccan except Kolhapur have been administratively integrated with the Province of Bombay. The seventeen Deccan States that have thus merged in Bombay covered an area of 7 651 square miles with a population of about 17 lakhs and a revenue of about Rs. one crore and forty two lakhs.

MERGER OF GUJARAT STATES

77 Another group of States that has merged with the Bombay Province consists of the Gujarat States. The fact that the northern most of these States namely Palanpur Sirohi and Radhanpur are situated close to the Indian border made it essential that a stable and efficient administration should be established in this area. The formation of a Union of the Gujarat States by themselves had to be ruled out on account of the fact that these States united together would not have constituted a viable unit. Geographically the territories of these States are interlaced and interspersed with the Baroda State territories and the Ahmedabad and Khera Districts of Bombay. Lack of geographical cohesion also rendered it difficult to unite and integrate the territories of these States into one unit. The second alternative of the formation of a Union of these States with the neighbouring State of Baroda had also to be ruled out because of geographical difficulties as also on account of the unwillingness of the Ruler of Baroda which is a viable unit by itself to merge Baroda's identity into a Union composed of all the Gujarat States. After prolonged discussions in Bombay on 17th March 1948 the Rulers of the jurisdictional Gujarat States agreed that merger with the Bombay Province was the only solution of their constitutional problem. One distinguishing feature of the merger agreements signed by the Rulers of the Gujarat States on 19th March 1948 is the provision for a Council of Rulers on the model of the Council of Rulers in the United State of Kathiawar for deciding cases of disputed succession after reference of such cases to the High Court of Bombay and in accordance with the decisions of that Court. The total area covered by the States estates talukas and thanas in Gujarat numbering 157 (or 289 if the units are subdivided according to the number of the share holders) is nearly 19 300 square miles with a population of about 27 lakhs and a total revenue of Rs. one crore and sixty five lakhs. The administration of these States was taken over by the Bombay Government on 10th June 1948.

78 The Dangs and certain estates formerly included in Vatrak Kantha Thana of the old Baroda Western and Gujarat States Agency,

which covered an area of 870 square miles with a population of 48 498 became part of the Bombay Province under the Governor General's Order No 127 P dated 19th January 1948

MERGER OF OTHER SMALL STATES INTO PROVINCES

79 The other States that have merged with the neighbouring Province are Loharu Dujana and Pataudi the Rulers of which signed on 17th February 3rd March and 18th March 1948 respectively agreements for merger of their States in the East Punjab. Similar agreements were signed by the Rulers of Banganapalle and Pudukkottai on 18th and 29th February 1948 respectively for their merger in the Madras Province

CONSOLIDATION OF EAST PUNJAB HILL STATES INTO A CENTRALLY ADMINISTERED UNIT

80 A number of Rulers and the Chiefs of the East Punjab Hill States signed on 8th March 1948 agreements ceding to the Dominion Government full and exclusive authority jurisdiction and power for and in relation to the governance of their States. Other Rulers signed similar agreements on subsequent dates. Having regard to the wishes of the Rulers and the people of the Hill States that the territories of these States should be consolidated into one unit and the desirability of making available to those areas man power and wealth power resources of a large administrative unit the Government of India have integrated these States into a centrally administered unit to be known as Himachal Pradesh. The new Province which comprises the territories of 21 Hill States with an area of 10 500 square miles a population of about 9½ lakhs and a revenue of about 85 lakhs came into being on 15th April 1948. The East Punjab Hill States included the State of Bilaspur. In view however of the location in this State of the contemplated Bakhra Dam which is a project of all India importance it has been decided to take over the State as a separate centrally administered area. The agreement in this behalf is likely to be finalised in the near future.

MERGER OF KUTCH

81 Another important State that has recently merged in the Dominion of India and is to be administered centrally under a Chief Commissioner is Kutch. This State has an area of 8 461 square miles with a population of a little over five lakhs and a total revenue of nearly Rs. 80 lakhs per annum. There were only two alternatives in regard to the future administration of Kutch namely —

- (a) integration of the State in the United State of Kathiawar, or
- (b) merger of the State in the Dominion of India.

Both these alternatives were carefully considered by the Government of India and it was decided to treat it at least for the time being as a centrally administered unit. This area has vast potentialities and its development will require considerable amount of money as well as technical assistance which the Kutch State by itself could not provide nor the newly formed State of Saurashtra at least for some time to come. An agreement was accordingly signed by the Ruler on 4th May 1948 ceding to the Dominion Government full and exclusive authority jurisdiction and power for and in relation to the governance of the State and providing for the transfer of the administration of the State on 1st of June 1948.

FORMATION OF UNIONS

82 The problem of the integration of the States, however, is not alike in all regions. There were several groups of States, which with due regard to the geographical, linguistic, social and cultural affinities of the people could be consolidated into sizeable and viable units. In such cases, it has been the policy of the Government of India to extend their full support and co-operation to the Rulers concerned in uniting and integrating the territories of their States in reasonable administrative units on the basis of full transfer of power from the Rulers to the people.

THE UNITED STATE OF KATHIAWAR (SAURASHTRA)

83 This form of consolidation of small States was first adopted in regard to the Kathiawar States which comprised 217 States, and estates (449 units if calculated on the basis of further fragmentation according to the number of share holders) with varying territories and jurisdictions. Many of these States had several scattered islands of territories and added together these States divided the map of Kathiawar into about 860 different areas. The scheme for the Union of Kathiawar States integrates all the Kathiawar States in a new State to be administered as a single block of territory. It provides for the complete transfer of power to the people of this region to be exercised by a Ministry responsible to a popular legislature. A special feature of the scheme is the provision for the Raj Pramukh who would be the constitutional head of the State and will be elected by the Council of Rulers. This arrangement, while ensuring close approximation of the system of governance in the States and the Provinces and of the rights and liberties of the people retains in some measure the traditional polity of the States. An interim popular Ministry was set up in this region and a provision has been made for a Constituent Assembly to frame a constitution for the new State within the framework of the Covenant and the Constitution of India. It has not been possible so far to integrate the Junagadh State in the United State of Kathiawar. This State is at present being administered by the Central Government, but it is intended to integrate it into the United State of Saurashtra after ascertaining the wishes of the people.

84 The scheme for the constitution of the new Kathiawar State to be known as 'Saurashtra' was finalized in the last week of January 1948. The Covenant (Appendix XII) was signed on 23rd January, 1948, and the new State came into being on 15th February, 1948, when it was inaugurated by the Honble Sardar Patel. It covers an area of 31,885 square miles with a population of about 35,22,000 and a revenue of 8 crores.

OTHER UNIONS

85 The United State of Kathiawar has provided the model for similar Unions of States in other regions, namely the United States of (a) Matsya (b) Vindhya Pradesh (c) Rajasthan and (d) Gwalior Indore and Malwa and (e) the Patiala and East Punjab States Union.

THE UNITED STATE OF MATSYA

86 The United State of Matsya consists of the States of Alwar, Bharatpur, Dholpur, and Karauli. These States are all situated very near the Capital of India and any disturbances in these areas had repercussions in the contiguous districts of Gurgaon, Agra and Muttra. This danger became apparent during the communal disturbances in 1947-48. With the integration of these four States into a unit which covers a territory of 7,536 square miles with a population of 18,37,994 and a revenue of

Rs 1,83,06,221, it has been possible to set up a responsible Government in this State. The Rulers of these States signed the Covenant on 28th February, 1948 (Appendix XIII). The new State came into existence on 18th March, 1948.

THE UNITED STATE OF VINDHYA PRADESH

87. The United State of Vindhya Pradesh comprises 35 Bundelkhar and Bagelkhand States. These States constitute a narrow corridor between the United Provinces and the Central Provinces. The area is rich in mineral resources and forest wealth, but constitutes one of the most undeveloped regions in Central India. This region is situated right in the Centre of the Indian Union and it is essential to set up a stable administration and to develop the means of communication in this area.

88. The Kathiawar model had to be modified in some respects to meet the special requirements of this region. Without the State of Rewa, this Union would not have been a viable one. The Ruler and the people of Rewa were willing to join the Union if certain concessions were made to ensure for the Rewa State and its Ruler a place commensurate with Rewa's importance. A provision has accordingly been made in the Covenant that in the Council of Rulers consisting of 19 members while all the members will have one vote each, the Ruler of Rewa will have 15 votes for the purposes of elections of the President and the Vice-President. A further provision* has been made to the effect that if 2/3rds of the representatives of the Rewa State in the Constituent Assembly voted within one month from the date of the first meeting of the Constituent Assembly in favour of opting out of the Union, the Covenant in so far as it affected Rewa would not be operative.

89. The Covenant (Appendix XIV) was signed by the Rulers on 18th March 1948, and the new State was inaugurated on 4th April 1948. The Union covers an area of 24,610 square miles, with a population of 35,69,455 and an annual revenue of about 2½ crores.

THE UNITED STATE OF RAJASTHAN

90. The Rajasthan Union was originally formed by the smaller Rajputana States in the south east, namely, Banswara (including Kushalgarh), Bundi, Dungarpur, Jhalawar, Kishengarh, Kotah, Pargabgarh, Shahpura and Tonk. These States formed a contiguous area with ethnical, linguistic and cultural affinities. The integration of these States in the contemplated United State of Malwa was also considered, but it was found that the natural affinity of these States was more with Rajputana than with Malwa. The territories of these nine States were accordingly united together to form the United State of Rajasthan with an area of 16,807 square miles, a population of 25,34,220 and an average annual revenue of Rs 1,91,39,000.

91. It was provided in the Covenant signed by the Rulers of these States that the Rulers of Kotah, Bundi and Dungarpur should be deemed to have been elected as the first President, senior Vice-President and junior Vice-President respectively and that the administrations of their States should be made over to the Raj Pramukh between 25th March and 15th April 1948. The United State of Rajasthan as thus constituted was inaugurated on 25th March 1948.

92. Subsequently intimation was received that the Ruler of Udaipur was willing to join the Rajasthan Union if he and his State were ensured their legitimate position in the Union. Having regard to the facts that

*This provision has since been deleted by a supplementary Covenant signed by the Rulers concerned on June 4, 1948.

the Udaipur State was entitled to stand by itself and that the resources of the State would greatly add to the strength of the Union it was decided to modify the Covenant in the following important respects —

- (a) The Maharana of Udaipur will be the Raj Pramukh during his life time
- (b) The Maharao of Kotah will be the senior Up Raj Pramukh
- (c) The Maharana of Udaipur's privy purse has been fixed at Rs. 10 lakhs. He will in addition receive a sum of Rs. 2 lakhs per year as consolidated allowance as Raj Pramukh. A further sum of Rs. 5 lakhs per annum will be paid to him out of the revenue of the United State for charitable and religious purposes

All the Rulers concerned signed the Covenant (Appendix VV) and the reconstituted Rajasthan Union was inaugurated by the Honble Pandit Jawaharlal Nehru on 18th April 1948

THE UNITED STATE OF GWALIOR, INDORE AND MALWA

33 The United State of Gwalior, Indore and Malwa (Madhya Bharat) constitutes the largest of the Unions of States so far formed. It comprises 20 States in Central India including the major States of Gwalior and Indore. These States consist of blocks of territory separated by intervening portions of other States. Linguistically, culturally, historically and economically the region forms a compact block. The position of the two major States of Gwalior and Indore which according to the Government of India's declared policy relating to viable units were entitled to stand by themselves rendered the problem of the integration of these States into one Union difficult. During the course of discussions it was found that there was a body of local opinion both at Gwalior and Indore opposed to the formation of one Union in which the identity of Gwalior and Indore would be completely merged. It was therefore suggested as a possible alternative to the single Union scheme that two unions might be formed, one around Gwalior and the other around Indore. After giving the proposal due consideration the Government of India felt that from the point of view of geographical integrity as well as administrative efficiency the balance of arguments as well as advantage was in favour of the immediate formation of one Union rather than two.

34 A conference of the Rulers of Central India was accordingly held in Delhi on 20th, 21st and 22nd of April 1946 and as a result of these discussions agreement was arrived at for the formation of one Union to be known as the United State of Gwalior, Indore and Malwa (Madhya Bharat). The following are some of the distinctive features of this scheme which have been provided to meet the special requirements of the two major States —

- (i) For the purposes of the election of the Raj Pramukh every Ruler will have such number of votes as is equal to the number of lakhs in the population of his State
- (ii) The Rulers of Gwalior and Indore will be the Raj Pramukh and the senior Up Raj Pramukh respectively during their life time
- (iii) The senior Up Raj Pramukh will also receive an appropriate allowance
- (iv) The privy purse of the Rulers of Gwalior and Indore has been fixed for the life time of the present Rulers at a figure higher than the maximum fixed in other cases

- (v) In Central India there are a number of States whose population is predominantly Bhil. The Bhils are extremely backward tribes and it was realised that it would be inexpedient to entrust them to the care of the new Government. It has therefore been decided to treat those States where more than 50% population is of Bhils as scheduled areas and to confer the authority to make laws for peace and good Government of these areas on the Raj Pramukh subject to any directions or instructions that may from time to time be given by the Government of India.
- (vi) It has been provided that until other provision is made by an act of the legislature of the United State the right to resume Jagirs and to recognise the succession to the rights and titles of the jagirdars will vest in the Raj Pramukh.
- (vii) The Rulers of Gwalior and Indore have been allowed to exercise their present powers of suspension, remission or commutation of death sentences in respect of any person sentenced to death for a capital offence committed within the territories of their respective States.

The Covenant (Appendix XVI) was signed by the Rulers present at the Conference on the 22nd April 1948. The Rulers of the covenanting States are required by the Covenant to make over the administration of their States to the Raj Pramukh on or before the 1st day of July 1948. The new State was inaugurated on 28th May 1948 by the Honble Pandit Jawaharlal Nehru. It will comprise an area of 46,273 square miles with a population of over 71 lakhs and a revenue of about eight crores.

PATIALA AND EAST PUNJAB STATES UNION

95 The latest Union of States that has been decided upon is the one to be formed by the States in the East Punjab. The Covenant (Appendix XVII) for the formation of this Union was signed by the Rulers of the six salute States of Patiala, Kapurthala, Jind, Nabha, Faridkot, Malerkotla and the two non-salute States of Nalagarh and Kalsia on 5th May 1948.

96 These States lie in three separate blocks. The main block comprises the territories of the Patiala, Nabha, Jind, Malerkotla and Faridkot States in the heart of the East Punjab. It forms a fairly compact tract. The Kapurthala State consists of three enclaves in the Jullundur Division of the East Punjab. The outlying districts of Narnaul, Dadri and Bawal which form parts of the Patiala, Jind and Nabha States respectively lie within the geographical orbit of the southern districts of the East Punjab.

97 In view of the fact that the Patiala State, which has a population of about two million, had been recognised as a separate viable unit, it was contemplated at earlier stages to form a Union of the East Punjab States without Patiala. These States comprised an area of 3,693 square miles with a population of 13,66,228 and an annual revenue of about two crores. It was, however, realised that a Union of the East Punjab plain States without Patiala would not endure. Apart from their limited resources, the territories of these States are separated by intervening portions of the East Punjab and the Patiala State and in certain cases form islands separated from the main block of the States. From the point of view of territorial integrity, administrative efficiency and tapping of agricultural and other resources of these States, the formation of one Union inclusive of Patiala was clearly indicated. The Ruler of Patiala expressed willingness to join the Union provided the Patiala State and its Ruler were given a position in the Union commensurate with their relative importance. As a

result of the adjustments made to reconcile the various points of view the following provisions have been made in the Covenant —

- (i) The present Rulers of Patiala and Kapurthala will respectively be the first Raj Pramukh and Up Raj Pramukh and will hold office during their life time
- As in the case of the United State of Gwalior Indore and Malwa the Rulers of this Union will have for the purposes of election of the Raj Pramukh such number of votes as is equal to the number of lakhs in the population of their States. The Ruler of Patiala will not exercise his vote in the election of the Up Raj Pramukh
- (ii) The Union will be tentatively called Patiala and East Punjab States Union till the Constituent Assembly of the Union adopts a suitable name for it
- (iii) The two non salute States of Nalagarh and Kalsia will alternately hold one seat on the Council of Rulers

The inauguration of the Union has been fixed to take place on 15th July 1948 and it is expected that all the covenanting States will have transferred their administrations to the Raj Pramukh by 20th of August 1948. The new State will comprise an area of 10 119 square miles with a population of 34 24 060 and a revenue of about five crores.

EXECUTION OF FRESH INSTRUMENTS OF ACCESSION ON BEHALF OF THE UNIONS

98 An important development that has followed the formation of these Unions is the decision that has been taken recently for the execution of fresh Instruments of Accession on behalf of the Unions. The individual States joining these Unions had acceded to the Indian Dominion in respect of three subjects only, namely Defence External Affairs and Communications. The Government of India considered it desirable that the content of the accession of the States should be extended to enable them to be fitted into the new constitutional structure of India. Accordingly a permissive provision was made in the Covenant of the Rajasthan Union for approximating the Dominion's legislative jurisdiction over the Union to the Provincial level. In the Covenants for the formation of the United State of Madhya Bharat and the Patiala and East Punjab States Union this provision was made mandatory. With a view to securing the concurrence of the Governments of other Unions to the extension of similar legislative authority of the Dominion over these Unions a meeting of the Raj Pramukhs and Ministers of the United States of Kathiawar Rajasthan Vindhya Pradesh and Matsya was called on 6th May 1948. As a result of these discussions it was decided that the Raj Pramukhs of all the Unions should execute fresh Instruments of Accession (Appendix XVIII) in accordance with the provisions of Section 6 of the Government of India Act 1935 accepting as matters with respect to which the Dominion Legislature may make laws for the various Unions all entries in List I and List III of the Seventh Schedule to the Act except those relating to taxation. The execution of the new Instruments by the Raj Pramukhs will ensure constitutional uniformity between the various Unions and the Provinces composing the Indian Dominion in so far as the Central Legislative authority is concerned except in respect of the taxing powers of the Centre.

MERGER OF REMAINING SMALL STATES

99 There are still some small States left which have not been affected by any merger or integration schemes. It is the intention of the Government of India to integrate them in such manner as may be found appropriate with due regard to their geographical contiguity and linguistic administrative cultural and economic considerations.

BENEFITS OF ADMINISTRATIVE INTEGRATION

100 The benefits that the people of the small States will derive from the administrative integration of such States either in the form of their merger into larger units or their consolidation into sizeable units are manifold. The slenderness of the resources of small units hardly larger than estates but enjoying varying degrees of sovereignty and their general aversion to neighbourly co-operation put it beyond the powers of their Rulers to give their subjects the advantages of good government. Existence of a large number of small units led to unnecessary multiplication of governing agencies which necessitated the maintenance of numerous ornamental and dignified institutions. These States could never provide efficient services or maintain anything like modern standards of administration, continuance of separate governmental institutions in such States led only to the dissipation of national wealth. The integration of these units will enable them to pool their resources for the provision of adequate administrative services over reasonable groups or tracts for the general benefit of the people. It will also make it possible to provide adequate social services and modern amenities to the people of these States, which were beyond their resources as separate small units.

101 Because of the inadequacy of resources and the jurisdictional changes, communications in most of the small States have been in a very primitive condition. The internal trade was rendered difficult by the export import and other duties which the various States levied. The administration of justice and maintenance of law and order were greatly handicapped because of the administrative and political fragmentation resulting from the existence of a large number of small States. Each of these States had its own laws and taxation structure and the bewildering multiplicity of their revenue and other systems ruled out any kind of constitutional and administrative uniformity. These conditions encouraged extensive smuggling, black marketing, crime and other anti-social activities. In such a set-up any kind of co-ordinated development opening up of economic potentialities or any form of real progress was hardly possible. The administrative integration of a large number of small units has solved all these perplexing political and administrative problems. Thus for instance, the formation of the United State of Saurashtra alone has swept away a whole network of customs barriers and has facilitated the negotiation of an agreement between the Government of India and the Saurashtra Government providing for the assumption by the Government of India of full control over the customs arrangements at the Kathiawar ports. In the new set up there should be no room for any feudal practices, special privileges of classes, immunities from taxation, judicial and quasi-judicial privileges, trade monopolies, and other inequities. The people of these areas can now look forward to the firm establishment of conditions in which they will secure good Government, adequate administrative and social services and enjoy full opportunities for progress and development.

THE TASK BEFORE THE GOVERNMENTS OF THE NEW UNIONS

102 The heavy responsibility of justifying the hopes implicit in integration rests mainly on the Governments of the new Unions. It is for them to follow up the inauguration of the new constitutional set up by a programme for the amelioration of the lot of the people and a system of good and sound administration. A common Government fully representative of the people of all the integrated States and earnestly endeavouring to reflect in its activity the wishes and sentiments of the people should operate as a powerful unifying and integrating force. Administrative integration of the States will fail to secure

its objective if it does not bring about a psychological integration of the people. Local affiliations of the people which impede the growth of common nationhood will be eliminated only if they are enabled to feel that by becoming citizens of bigger, more progressive and resourceful units a real change for the better has come into their lives. The people must feel that not only power has come to their hands but the very set up of their lives has undergone an appreciable change.

APPOINTMENT OF ADVISERS.

103 The old order in the States is changing the new will take some time to grow. The public services in some of the States may prove unable to bear the strain of modern administration. The popular Ministers untrained in administrative work may find it difficult to cope unaided with their onerous responsibilities. The Government of India have been keenly alive to the fact that if the new States are to play their legitimate role in building up a new order in the country the services of experienced administrators and experts should be made available to them to set the tone for the administration. The task of creating new integrated administrative machinery in the Unions which in the absence of past practice and conventions will continue for some time to be one of immense difficulty is engaging the Government of India's close and careful attention. The Government of India will watch carefully the progress of the Union States and extend to their Governments all possible assistance and help such as providing during the formative stage of the new States the necessary administrative talent in the form of Advisers and other expert officers.

POLICY TOWARDS MAJOR STATES.

104 There would still remain a number of major States unaffected by movement for merger or union. The policy of the Government of India in respect of them is contained in the following extract from a statement made on behalf of the Government of India in the Parliament on 15th March 1948 —

The States which have individual representation on the Constituent Assembly have been assured by the Government of India from time to time that they will be treated as separate viable units. In regard to them the Government of India's policy is clear and unequivocal. There is no desire on our part in any way to compel or coerce them into merger or integration. If they wish to remain as separate autonomous units we would have no objection but if Rulers and the people of any of these States desire to merge with the neighbouring Province or form a union with the neighbouring States on a voluntary basis obviously the Government of India cannot say 'No'. It is in this context that proposals for the formation of Malwa and Bundelkhand Units which involve States like Gwalior, Indore and Rewa should be judged. It is clear however that in these States which remain separate units there would be continuous popular pressure for the grant of full responsible government. I hope the Rulers of these States will appreciate the necessity of retaining the affection and goodwill of their subjects by timely concessions rather than futile resistance to popular demand. I hope this clear enunciation of our policy regarding larger States will satisfy any misgivings that might have been created in the minds of Rulers of these States by the proposed inclusion of Gwalior and Indore in Malwa.

Unit and the inclusion of Alwar in the recently created Matsya State and of Rewa in the Bundelkhand and Baghat khand Union. I am sure they will realise that whatever I have stated indicates no change in the policy of the Government of India in regard to the major States and the specific inclusion of these States in our draft Constitution would convince them further of our bona fides. Our policy in regard to them remains as I have stated earlier, their continued autonomous existence unless both the Rulers and the people desire otherwise.

FOUR FOLD DISPENSATION

105 It will be seen from the above that the following three different processes have been promoted and recognised by the Government of India in relation to the integration of States each being applied according to size, geography and other factors relating to each State or group of States.

106 The first is the merger of the States in the adjacent Provinces. Under this process 219 States with a total area of 84,774 square miles, population of 120.18 lakhs and revenue of 541.84 lakhs have merged in the Provinces distributed as under —

Province	Number of State merged	Area in sq miles	Population in lakhs	Revenue in lakhs
Oudha	23	23,637	40.4	93.74
C P and Bihar	15	31,713	28.34	85.31
Bihar	2	623	2.08	6.45
Madras	2	1,414	1.83	30.91
East Punjab	3	370	.80	10.38
Bombay	174	69,011	43.67	307.15
Total	219	84,774	120.18	541.84

107 The second is the consolidation of States into centrally administered areas. This process has so far affected 22 States consolidated into the following two units covering a total area of 19,001 square miles with a population of 14.37 lakhs and a revenue of about 164 lakhs —

Name of new area	Number of States merged	Area in sq mile	Population in lakhs	Revenue in lakhs
Himachal Pradesh	21	10,600	9.36	84.55
Kutch	1	8,401	5.01	80.00
Total	22	19,001	14.37	164.55

108 The third is the integration of the territories of States to create new viable units. This process has so far covered a total area of 1,50,460 square miles with a population of 237.61 lakhs and a revenue of 2,819.45 lakhs distributed over the States of Saurashtra, Matsya, Vindhya Pradesh,

Rajasthan, Madhya Buarat and the Patiala and East Punjab States Union as under*—

State	Number of States merged	Area in sq miles	Population in lakhs.	Revenue in lakhs
Saurashtra	217	31,885	35.22	800.00
Matsya	4	7,536	18.33	183.06
Vindhya Pradesh ..	35	24,610	35.69	243.50
Rajasthan	10	29,977	42.61	316.67
Madhya Bharat	20	46,273	71.50	776.42
Patiala and East Punjab States Union	8	10,119	31.24	500.00
Total	291	150,400	237.64	2,819.45

109 The States recognised as viable units and continuing as separate entities constitute a separate group *

ESSENTIAL COMMON FACTOR OF DEMOCRATIZATION

110 There is, however, one essential condition which the Government of India have attached to all schemes recognised by them relating to the future set-up of the States, namely, transfer of full power from the rulers to the people. They have firmly declined to be a party to any arrangements relating to the States unless they expressly provided for the establishment of responsible Government.

111 So far as the first two processes, namely, merger of the States in the Provinces or assumption of their administration by the Central Government, are concerned, transfer of power to the people is automatic in that the merging States become parts of administrative units which are governed by the popular Governments of the Provinces or the Centre. Till such time as these areas return their quota of members to the legislature concerned measures have been adopted to devise the association of the people of the States concerned with the Provincial administrations. As regards the third process, all the Covenants governing the constitution of the newly-created States expressly provide for full transfer of power to the people. Constitutions for these States are to be framed by popular Constituent Assemblies and till the new constitutions become operative, popular interim Administrations are to conduct the administration.

112 As for the larger States unaffected by the movement for merger or union, movements for full responsible Government have rapidly developed in them, and with the exception of the Hyderabad State, practically all of these 'States' have either transferred power to the people or have made announcement for establishing full responsible Governments in the near future. The people of the major States in the south, namely, Cochin, Madras and Mysore were the first to see the fruition of their efforts and to have popular Governments installed.

*A consolidated statement showing the area, population and revenue of States that have been either (a) merged into Provinces, or (b) consolidated into centrally administered areas, or (c) combined to form new Unions, is appended (Appendix XIX). The appendix also shows the area and population of (a) States recognised as viable units, and (b) non viable States not yet affected by any merger or integration schemes.

Interim popular Ministries have been set up in the States of Mayurbhanj, Jodhpur, Jaipur and Baroda. In Kashmir the popular leader, Sheikh Abdullah has been installed as the head of the first popular Government. Interim Ministries have also been formed in Bhopal and Bikaner. In the States in which there has so far been no agreement between the Ruler and the leaders of public opinion, the differences do not relate to the objective of reforms which is almost unanimously accepted as full responsible Government but to the time schedule and details, etc. It is obvious that it will be both unwise and futile on the part of the Rulers to withhold power from the people or to delay handing over responsibility to them. There is no reason to believe that the Rulers concerned will be lacking in the spirit of public service and in response to popular demands which members of their Order have shown elsewhere.

RETROSPECT AND PROSPECT ✓

113 The policy of the Government of India towards Indian States has been governed by the objective which they, as the first popular Government of the country, set before themselves, namely, the integration of all elements in this country in a free, united and democratic India. This objective could be attained only by a vigorous policy of integration and democratization of the States. That process has now nearly reached completion. In a remarkably short period it has revolutionized the inner and external set-up of the States. The process of the integration of the States into viable and sizeable units started with the elimination of the chain of small States that severed the Provinces of Orissa and Bihar from the Central Provinces, it solved the cross jurisdictional puzzle of the vast assemblage of the States of Kathiawar and how far it has simplified the problem of the States would be evident from the fact that as against 617 or so of the units known as States which existed about the middle of December, 1947, within a period of a month or two, the number of the States is likely to be even less than 1/25th of the original figure.*

114. Even more significant than the geographical changes that this bloodless revolution has brought about has been the complete transformation of the inner set-up of the States. When the paramountcy of the British Crown lapsed there were only a few States which had representative institutions, most of these were inchoate and illusory and had hardly gone beyond the Provincial legislatures under the Montagu Chelmsford Reforms. During recent months, however, practically every State has announced its intention to grant full responsible Government and in a vast majority of them power has already been transferred to the people.

115 The consummation of the new set up of the Indian States has involved protracted negotiations, perseverance and hard labour. The results that have been achieved will leave an indelible imprint on India's history. But for the patriotic co-operation of the Princes the tremendous change that has come over India for the mutual benefit of the people and the Rulers could not have been possible. By their ready appreciation of the aspirations of the people, they made integration of States in larger units, and transfer of power to the people, smooth and peaceful. They may well claim to be co-architects in building a free and democratic India in which the people of the Provinces and the people of the States will enjoy alike the full measure of freedom and march together as citizens of free India.

*A map of India showing the progress of political changes in relation to States is appended (Appendix XX)

For Appendix I see at the end of the Pamphlet

APPENDIX II

Statement showing area and population of Indian States

Serial No	Name of State	Area in sq miles	Total population
ASSAM STATES			
1	Manipur	8 620	512 069
KHASI HILL STATES		3 783	213 586
2	Bha val	} Not available Figures of area and popu- lation for individual States are not available Totals for the whole group are given above	
3	Cherra		
4	Kharai		
5	Langrin		
6	Maharajm		
7	Malaisolmat		
8	Mawiang		
9	Mazyrin		
10	Mariaw		
11	Mylhem		
12	Nobolohoh		
13	Nongkhaw		
14	Nongpion		
15	Nongstol		
16	Lambrat		
BALUCHISTAN STATES			
17	Kalat	33 990	203 300
18	Las Bela	7 013	69 067
19	Kharan	18 008	33 832
BARODA AND GUJARAT STATES			
20	Lodha	8 230	2 800 010
21	Rajasthan	190	61 151
22	Bansla	212	64,730
23	Baria	810	189,062
24	Cambay	392	96 592
25	Chhoti Udaipur	894	162,177
26	Dharampur	710	193 326
27	Janahar	308	65 126
28	Lunawada	419	105,318
29	Rajpipla	1 615	249 032
30	Sachin	49	26 231
31	Sargana	131	18,292
32	Sant	390	94,207
DANGS		667	40 498
33	Amala	119-77	} Figures not available
34	Avchar	7 83	
35	Bilhari	1 60	
36	Chandhli Gaded	27-23	
37	Derbhavti	76-20	
38	Gadli	170 82	
39	Jhar Ghar Khadi	8 17	
40	Karl	21	
41	Pala vilr	2 00	
42	Pimpri	72-94	
43	Pimpaldevi	3 44	
44	Shivlari	4-99	
45	Vadhyawan	4-90	
46	Vishnoli	132 14	

Serial No	Name of State	Area in sq. miles	Total population
SANKHEDA MEWAS		338	40 498
47	Alwa	5	}
48	Bhilodia	9	
49	B'hora	1 75	
50	Cho angla	16	
51	Chudesar	2 50	
52	Diamasia alias Vanmala	10 75	
53	Dudhpur	1 70	
54	J'ra Kamsoli	5 5	
55	Nahla	1	
56	Na gam	3	
57	Pan Talevadi	0	
58	Ra pu a	4 00	
59	Rengan	4	
60	S'idhia ura	4	
61	Vasvan Nevada	12 50	
62	Vasvan Virpur	12 00	
63	V rampura	1	
64	Vora	0	
REST OF AGENCY		454	
65	Agar	17	}
66	Amarapur	2	
67	Anghad	4 25	
68	Bhadarwa	27	
69	Chhal ar	11	
70	Dhan	3 75	
71	Dodka	3	
72	Gad Romad	123	
73	Gotardi	3	
74	Gothda	4	
75	Itwad	6	
76	Jambaghoda	143	
77	Jesar	1 5	
78	Kadana	132	
79	Kanoda	3 75	
80	Kasla Pagina Muwada	1	
81	Mandwa	16 50	
82	Mevli	5	
83	Moka Pag na Muwada	1	
84	Nahara	13 00	
85	Naswadi	19 50	
86	Pala-ni	12	
87	Panda	9	
88	Potecha	3 75	
89	Raika	3 00	
90	Sanjeli	34	
91	Shenor	11 5	
92	S'hora	15 0	
93	Uchad	8 50	
94	Unsta	21	
95	Vajirra	91	
96	Vakhtapur	1 50	
97	Varnolmal	3 5	
98	Varnol Moti	2	
99	Varnol Nani	1	
100	Ju rkha	1	
101	Pethapur	11	
102	Pajpur	1 50	
103	BHUTAN	18 000	300,000

Serial No	Name of States			Area in sq miles	Population
INDORE AGENCY					
147	Indore	.	"	9931	1,513,966
148.	Rewa ...	...	.	12,830	1,820,445
MALWA AGENCY					
149	Ahrajpur	...	.	849	112,704
150	Barwant		..	1,389	176,666
151	Dhar			1708	253,210
152	Jaora			601	116,953
153.	Jobat	.		131	20,945
154	Mahua			1,261	178,327
155	Kathiwara			668	6689
156	Mathwar			134	2,809
157	Tipoli			66	11,578
158	Patilap			657	126,117
159	Ratnmal			32	2,634
160	Sailana	.		309	40,228
161	Sitama	.	.	191	33,461
EASTERN STATES					
BENGAL STATES AGENCY					
162	Cooch Behar	.	.	1,318	640,842
163	Tripara	..	.	4116	512,010
164.	Majurbhansj	...	...	4031	990,977
UNHATTIGARRH STATES AGENCY					
165	Chhangblakar		..	899	21,266
166	Baswar	.	.	13,701	433,850
167	Chhaukhadan			133	3,741
168	Jashpur	..		1,955	223,612
169	Kalibhandi (Karondi)			9,500	51,910
170	Kalibhandi			1,413	140,371
171	Kalibhandi	.		794	77,284
172	Kalibhandi			931	179,713
173	Kalibhandi			1,647	120,874
174	Kalibhandi			872	2,2073
175	Kalibhandi			2,30	132,270
176	Kalibhandi			1,141	712,43
177	Kalibhandi			137	34,517
178	Kalibhandi			510	140,785
179	Kalibhandi			6,967	50,1702
180	Kalibhandi			1,045	118,211'

Serial No	Name of States.	Area in sq miles.	Population
MEWAR & SOUTHERN RAJPUTANA STATES AGENCY			
290	Banswara	1 606	258 260
291	Dungarpur	1 460	274 99
292	Kushalgarh	340	41 153
293	Partabgar	873	91 967
294	Uda tur (Mewar)	13 170	1 998 698
WESTERN RAJPUTANA STATES AGENCY			
295	Danta	1 606	41 110
296	Ja salmer	15 980	93 246
297	Jodhpur	36 120	2 550 904
298	Palanpur	1 794	315 833
299	S rohi	1 988	233 875
300	S kk m	2 818	121 506
WESTERN INDIA STATES			
301	Bhavnagar	2 981	618 499
302	l utch	8 401	5 70 600
303	Dhrangadhra	1 167	94 417
304	Dh ol	233	33 617
305	Gondal	1 094	244 514
306	Idar	1 668	307 798
307	Jafrahad (Janj ra)	53	13 837
308	Jonnagadh	3 337	670 719
309	Limbdi	344	44 024
310	Morva	802	141 761
311	Nawanagar	3 791	504 006
312	Pal tana	300	76 432
313	Radhanpur	1 150	67 691
314	Porbandar	642	146 618
315	Rajot	282	10 951
316	V jaynagar	130	13 949
317	Wadhwan	242	50 916
318	Wankaner	417	54 969
WESTERN KATHIAWAR AGENCY			
319	B lkba	130	31 799
320	Jasdan	296	37 679
321	Jetpur	120	35 145
322	Kotda Sangani	90	12 160
323	Kb rasara	47	5 893
324	Mal a	103	10 788
325	Mannavadar	101	20 209
326	Thana Devli	117	18 748
327	Vad a	69	16 918
328	Virpur	66	8 594

Serial No	Name of States	Area in Sq miles	Population
REST OF THE AGENCY —		1386	17811
329	Akala	Not surveyed	} Figures of population of individual States not available for the whole group is given above.
330	Al di ra	25 5	
331	A ida	30 5	
332	Rajpara (Palar	15 5	
333	Bagasara Majnu Taluka	25	
334	Bantwa Majnu Taluka	27	
335	Bantwa Isajha	56 9	
336	Barwala	15	
337	Bhadwa	7	
338	Bhayavadar	11 5	
339	Champurajpur Taluka	533	
340	Dangavadar	11	
341	Dadan	24 5	
342	Cadhka	23 1	
343	Gavridad	27	
344	Hudali	21	
345	Harsurpur	Not surveyed	
346	Jaha Dev	36 89	
347	Kbari	30	
348	Khajali	Not surveyed	
349	Kotda Pitha	45	
350	Kothara	27	
351	Lodli ka Mriwaji Estate	7 0	
352	Lodhila Vijay inghi Estate	7 5	
353	Manpur	10	
354	Mayapadar	14	
355	Mengani	34	
356	Nadala	16	
357	Natwarnagar	14	
358	Pal	2	
359	Papala	30	
360	Sanala	42	
361	Sardarg dh	2	
362	Sardapur	14	
363	Shahpur	10	
364	Thunbala	21	
365	Vasavad Majnu	16 8	
NON JURISDICTIONAL TALUKAS AND ESTATES OF THE WESTERN KATHIAWAR AGENCY			
366	Akadia	2	
367	Anrapur	8	
368	Babia	10	
369	Bagasra (Goded Matra)	23 5	
370	Bagasra (Simat Matra)		
371	Bhadli	15	
372	Bhalgam Baldei	1	
373	Bildi	3	
374	Charkha	10	
375	Dahida	2	
376	Dedan (Majnu)	25	
377	Derdi Janha	2	
378	Dhoarra	4	
379	Dhrifa	44	
380	Gadhia	11	
381	Garmali Moti	2	
382	Garmali Vani	2	
383	Gigasaran	6	
384	Halaria	6	
385	Itana	6	
386	Jhamka (Yelani)	7	
387	Kamadhia	4	

Serial No	Name of States	Area in sq miles	Population
388	Kaner	2	Figures of population of individual States not available Total for the whole group is
389	Kankarali	75	
390	Kanpur (Kankarali)	3	
391	Karara	10	
392	Kashrita	1	
393	Khemdala	6	
394	Khujadi (Kankarali Thana)	1	
395	Khujadi (Nayani)	1	
396	Kotla Nayani	3	
397	Kuba	3	
398	Lakhpadar	5	
399	Lodhka Majma	8	
400	Manavav	1	
401	Mahura Nana	1	
402	Morvel	3	
403	Mulla Deri	15	
404	Nivala	1	
405	Noghanvada	1	
406	Randhwa	3	
407	Sataladrasa	13	
408	Silana	4	
409	Singh Chandi	1	
410	Vadai	1	
411	Vaghavud (Vaghvori)	3	
412	Vail	3	
413	Veharia	1	
414	Vichhav d	37	
415	Vira	0.5	

EASTERN KATHIAWAR AGENCY

416	Bajana	163.12	13,020
417	Chuda	78.2	15,815
418	Lakhtar (Lakhtar Thana)	247.138	23,780
419	Lath	48	10,810
420	Muli	133.2	16,970
421	Patdi	39.4	3,147
422	Savla	272.1	15,300
423	Vaila	180.3	6,190

PART OF THE AGENCY

171.2 184,970

424	Kanpur (Dad & Nanayva)	20	
425	Kanpur Khacher Desa Bhoj)	0	
426	Kanpur	6	
427	Rajpur	219	
428	Vanod	57.3	
429	Vithalgad	5	
430	Zainabad	30	

Serial No	Name of States	Area in Sq. miles	Population
SABAR KANTHA AGENCY			
490	Pachle, am (Devani)	10	Figures for individual States not available. Total for the whole group is given above
491	Pah	1	
492	Pallad	80	
493	Palah	4	
494	Panchayda (Vachhani)	78	
495	Rajpara (Chok Thana)	1	
496	Ratanaka	1	
497	Ramparda	0	
498	Ranigam	3	
499	Ranparda (Chok Thana)	5	
500	Ratanpur Dhamitka	3	
501	Robisala	1	
502	Rozwa	16	
503	Sahuka	6	
504	Samadhiala (Choka Tilana)	1	
505	Samadhiala Chhabhadi	0 62	
506	Samadhiala	1	
507	Samla	13	
508	Samala	0 51	
509	Sanosra	13	
510	Satanoness	0 67	
511	Sejakpur	29	
512	Sbd: Vadar	1	
513	Songad: (Vachhani)	1	
514	Sudama Dhandhalpur	130	
515	Talema	43	
516	Tavi	12	
517	Toda Vachhani	1	
518	Untadi	6	
519	Vadal Bhandaria	1	
520	Vadod (Devani)	Not available	
521	Vadod (Jhalawad)	11	
522	Vana	24	
523	Vangadlars	0 62	
524	Vavdi Dhavala	4	
525	Vavdi Vachhani	0 71	
526	Vej noness	6 29	
SABAR KANTHA AGENCY			
527	Ambal ara	80	10 978
528	Malpur	97	16 568
529	Mas: sa	26	10 861
530	Mohanpur	89	16 727
531	Thara	78	12 439
532	Tharad	126	62,157
533	Warahi (Khanj: el)	120	1 768
534	Vso	709	21 673
REST OF THE AGENCY		2 699	290 022
545	Bhalusna	1	Figures for individual States not available. Total for the whole group is given above
546	Bolandra	6	
547	Dadha	12	
548	Dadhala	23	
549	Dedbrota	Not available	
550	Deodar	Do	
551	Deodar Thana	Do	
552	Derol	10	
553	Gabat	10	
554	Ghodasar	16	
555	Hadal	27	
556	Hapa	5	
557	Hol	19	
558	Kadol	8	
559	Katocan	11	

Serial No	Name of State	Area in sq miles	Population
510	Khadal	8	<div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> </div>
551	Khedawada	27	
552	Likhi	9	
553	Mageda	23	
554	Pelaj	1	
555	Prempur	25	
556	Punadra	11	
557	Ramay	6	
558	Ranasan	40	
559	Rupal	16	
560	Sa talpor in Sabar Kantha	Not surveyed	
561	Saithamba	18	
562	Sattasna	2	
563	Sudasna	2	
564	Tajouri	7	
565	Ter rada	61 78	
566	Vektapur	4	<div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> </div>
567	Valbeni	21	
568	Varsoda	11	
569	Wadegam	28	
570	Warabhi (Khanjias)	40	
571	Wana	10	<div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> </div>
NON JURISDICTIONAL TALUKAS AND ESTATES IN THE SABAR KANTHA AGENCY—			
572	Deloh	2	<div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> <div> </div> </div>
573	Iypara	2	
574	Katalpara	2	
575	Maguna	5	
576	Mehmad, ra	1	
577	Mota Kothasna	3	
578	Pampura	1	
579	Ranapura	1	
580	Sarai	220	
581	Tarpura	4	
582	Umri	10	
583	Tumba	3	
584	Varsoda	3	

APPENDIX III

CABINET MISSION SIMLA 12TH MAY 1946

Memorandum in regard to States Treaties and Paramountcy

1 Prior to the recent statement of the British Prime Minister in the House of Commons an assurance was given to the Princes that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown or the rights guaranteed by their treaties and engagements without their consent. It was at the same time stated that the Princes' consent to any changes which might emerge as a result of negotiations would not unreasonably be withheld. The Chamber of Princes has since confirmed that the Indian States fully share the general desire in the country for the immediate attainment by India of her full stature. His Majesty's Government have now declared that if the succession Government or Governments in British India desire independence no obstacle would be placed in their way. The effect of these announcements is that all those concerned with the future of India wish her to attain a position of independence within or without the British Commonwealth. The Delegation have come here to assist in resolving the difficulties which stand in the way of India fulfilling this wish.

2 During the interim period which must elapse before the coming into operation of a new Constitutional structure under which British India will be independent or fully self governing paramountcy will remain in operation. But the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government.

3 In the meanwhile the Indian States are in a position to play an important part in the formulation of the new Constitutional structure for India and His Majesty's Government have been informed by the Indian States that they desire in their own interests and in the interests of India as a whole both to make their contribution to the framing of the structure and to take their due place in it when it is completed. In order to facilitate this they will doubtless strengthen their position by doing everything possible to ensure that their administrations conform to the highest standard. Where adequate standards cannot be achieved within the existing resources of the State they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the constitutional structure. It will also strengthen the position of States during this formulative period if the various Governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their States by means of representative institutions.

4 During the interim period it will be necessary for the States to conduct negotiations with British India in regard to the future regulation of matters of common concern especially in the economic and financial field. Such negotiations which will be necessary whether the States desire to participate in the new Indian Constitutional structure or not will occupy a considerable period of time and since some of the negotiations may well be incomplete when the new structure comes into being it will in order to avoid administrative difficulties be necessary to arrive at an understanding between the States and those likely to control the succession Government or Governments that for a period of time the then existing arrangements as to these matters of common concern should continue until the new agreements are completed. In this matter the British Government and the Crown Representative will lend such assistance as they can should it be so desired.

and should have the powers necessary to raise the finances required for the above subjects

* * * *

- (4) The States will retain all subjects and powers other than those ceded to the Union

* * * *

(u) It is the intention that the States should be given in the final Constituent Assembly appropriate representation which would not on the basis of the calculations adopted for British India, exceed 93, but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a Negotiating Committee

* * * *

- (i) The representatives of the Sections and the Indian States shall reassemble for the purpose of settling the Union Constitution

* * * *

21 His Excellency the Viceroy will forthwith request the Provincial Legislatures to proceed with the election of their representatives and the States to set up a Negotiating Committee

APPENDIX V

INDIAN INDEPENDENCE ACT

7 Consequences of the setting up of the new Dominions

- (1) As from the appointed day (August 15th, 1947)

* * * *

- (b) the suzerainty of His Majesty over the Indian States lapses, and with it all treaties and agreements in force at the date of the passing of this Act between His Majesty and the Rulers of Indian States all functions exercisable by His Majesty at that date with respect to Indian States all obligations of His Majesty existing at that date towards Indian States or the Rulers thereof and all powers rights authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty grant usage sufferance or otherwise

APPENDIX VI

SARDAR PATEL'S STATEMENT OF 5TH JULY 1947 ON INDIAN STATES

It was announced some days back that the Government of India had decided to set up a Department to conduct their relations with the States in matters of common concern. This Department has come into being today and the States have been informed to this effect. On this important occasion I have a few words to say to the Rulers of Indian States among whom I am happy to count many as my personal friends.

It is the lesson of history that it was owing to her political fragmented condition and our inability to make a united stand that India succumbed to successive waves of invaders. Our mutual conflicts and internecine quarrels and jealousies have in the past been the cause of our downfall and our falling victims to foreign domination a number of times. We cannot afford to fall into those errors or traps again. We are on the threshold of independence. It is true that we have not been able to preserve the unity of the country entirely unimpaired in the final stage. To the bitter disappointment and sorrow of many of us some parts have chosen to go out of India and to set up their own Government. But there can be no question that despite this separation a fundamental homogeneity of culture and sentiment reinforced by the compulsive logic of mutual interests would continue to govern us. Much more would this be the case with that vast majority of States which owing to their geographical contiguity and indissoluble ties economic cultural and political, must continue to maintain relations of mutual friendship and co-operation with the rest of India. The safety and preservation of these States as well as of India demand unity and mutual co-operation between its different parts.

When the British established their rule in India they evolved the doctrine of paramountcy which established the supremacy of British interests. That doctrine has remained undefined to this day but in its exercise there has undoubtedly been more subordination than co-operation. Outside the field of paramountcy there has been a very wide scope in which relations between British India and the States have been regulated by enlightened mutual interests. Now that British rule is ending the demand has been made that the States should regain their independence. In so far as paramountcy embodied the submission of States to foreign will I have every sympathy with this demand but I do not think it can be their desire to utilise this freedom from domination in a manner which is injurious to the common interests of India or which militates against the ultimate paramountcy of popular interests and welfare or which might result in the abandonment of that mutually useful relationship that has developed between British India and Indian States during the last century. This has been amply demonstrated by the fact that a great majority of Indian States have already come into the Constituent Assembly. To those who have not done so I appeal that they should join now. The States have already accepted the basic principle that for Defence Foreign Affairs and Communications they would come into the Indian Union. We ask no more of them than accession on these three subjects in which the common interests of the country are involved. In other matters we would scrupulously respect their autonomous existence.

This country with its institutions is the proud heritage of the people who inhabit it. It is an accident that some live in the States and some in British India but all alike partake of its culture and character. We are all put together by bonds of blood and feeling no less than of self interest. None can segregate us into segments no impassable barriers can be set up between us. I suggest that it is therefore better for us to make laws

sitting together as friends than to make treaties as aliens. I invite my friends, the Rulers of States and their people to the Councils of Constituent Assembly in this spirit of friendliness and co-operation in a joint endeavour inspired by common allegiance to our motherland for the common good of us all.

There appears a great deal of misunderstanding about the attitude of the Congress towards the States. I should like to make it clear that it is not the desire of the Congress to interfere in any manner whatever with the domestic affairs of the States. They are no enemies of the Princely Order, but on the other hand wish them and their people under this system all prosperity contentment and happiness. Nor would it be my policy to conduct the *relations of the new Department with the States in any manner* which savours of the domination of one over the other, if there would be any domination it would be that of our mutual interests and welfare. We have no ulterior motive or selfish interests to serve. Our common objective should be to understand each other's point of view and come to decisions acceptable to all and in the best interests of the country. With this object, I propose to explore the possibility of associating with the administration of the new Department a *Standing Committee representative of both the States and British India*.

We are at a momentous stage in the history of India. By common endeavour we can raise the country to a new greatness while lack of unity will expose us to fresh calamities. I hope the Indian States will bear in mind that the alternative to co-operation in the general interest is anarchy and chaos which will overwhelm great and small in a common ruin if we are unable to act together in the minimum of common tasks. Let not the future generation curse us for having had the opportunity but failed to turn it to our mutual advantage. Instead let it be our proud privilege to leave a legacy of mutually beneficial relationship which would raise this Sacred Land to its proper place amongst the nations of the world and turn it into an abode of peace and prosperity.

Here I digress. There was a universal acceptance among the States of the Cabinet Mission's Memorandum of May 12th and when the parties accepted my Statement of June 3rd they fully realised that withdrawal of Paramountcy would enable the States to regain complete sovereignty. That gave me a starting point from which to try and deal fairly with the States.

But before I got down to dealing with the States there was one other thing that I clearly had to do. I had to address myself to the problem of the mechanics of partition—a plan against my personal desires. As you all know, it took three years to separate Burma from India, in spite of the fact (as I can testify, as also His Highness of Bundi and others) that there are no roads running between India and Burma. Nevertheless, it took three years to arrange that partition. It took two years to separate the Province of Sind from Bombay. It took two years to separate the Province of Orissa from Bihar. Gentlemen, we decided that in less than 2½ months we shall have to go through the partitioning of one of the big countries in the world with 400 million inhabitants. There was a reason for the speed. I was quite certain that while the British overlordship remained no satisfactory conclusions could be reached psychologically between the parties. So once we got the two Governments set up and separated, they would be able to try and finish off the details in an atmosphere of goodwill.

Now the Indian Independence Act releases the States from all their obligations to the Crown. The States have complete freedom—technically and legally they are independent. Presently I will discuss the degree of independence which we ourselves feel is best in the interests of your own States. But there has grown up during the period of British administration, owing to the fact that the Crown Representative and the Viceroy are one and the same person, a system of co-ordinated administration on all matters of common concern which meant that the sub-continent of India acted as an economic entity. That link is now to be broken. If nothing can be put in its place, only chaos can result, and that chaos, I submit, will hurt the States first—the bigger the State the less the hurt and the longer it will take to feel it—but even the biggest of the States will feel itself hurt just the same as any small State. The first step was to set up some machinery by which it was possible to put the two future Governments of India—the Dominions of India and Pakistan—into direct touch with the States. So we conceived the scheme of setting up two States Departments within the future Governments. Please note that these States Departments are not the successors of the Political Department. They have been set up simultaneously and side by side. While the Political Department exercised functions relating to paramountcy on behalf of the Crown Representative the States Departments are to take over those subjects gradually which have nothing to do with paramountcy but which will be concerned with relations with neighbouring States and also provide the machinery to negotiate in such matters. In India the States Department is under the admirable guidance of Sardar Vallabhbhai Patel with my own Reforms Commissioner, Mr. V. P. Menon as Secretary. In Pakistan the Department is under Sardar Abdur Rab Nishtar with Mr. Ikramullah as the Secretary. It was necessary to set up two States Departments, one in each Government because the States are theoretically free to link their future with whichever Dominion they may care. But when I say that they are at liberty to link up with either of the Dominions, may I point out that there are certain geographical compulsions which cannot be evaded. Out of something like 565 States the vast majority are irretrievably linked geographically with the Dominion of India. The problem therefore is of far greater magnitude with the Dominion of India than it is with Pakistan. In the case of Pakistan the States, although important are not so numerous, and Mr. Jinnah, the future

Governor General of Pakistan is prepared to negotiate the case of each State separately and individually. But in the case of India where the overwhelming majority of the States are involved clearly separate negotiation with each State is out of the question.

The first step that I took was to suggest that in the Bill before Parliament—the Indian Independence Act—a clause should be put in which would enable certain essential agreements to continue until renounced by either side. That was only done to ensure that there should be some continuity and to see if in the short time available it was not possible to get the agreement through with every State representative. It does not replace the need for Standstill agreements. It gives a very slight breathing space.

Now I think it is no exaggeration to say that most Rulers and Dewans were apprehensive as to what their future would be when paramountcy lapsed. At one time it appeared that unless they joined the Constituent Assembly and accepted the Constitution when it was framed they would be outside the organisation and left in a position which I submit if you think it over carefully no State could view with equanimity—to be left out having no satisfactory relations or contacts with either Dominion Government. You can imagine how relieved I was and I am sure you will yourselves have been equally relieved when Sardar Vallabhbhai Patel on taking over the States Department made if I may say so a most statesmanlike statement of what he considered were the essentials towards agreement between the States and the Dominion of India.

Let us turn for one moment to the Cabinet Mission Plan of 16th May 1946. In this Plan the proposal was that the States should surrender to the Central Government three subjects—Defence, External Affairs and Communications. That was a plan which to the best of my belief every Ruler and every State accepted as reasonable, fair and just. I talked with so many Rulers and everyone felt that Defence was a matter that a State could not conduct for itself. I am not talking of internal security but of defence against external aggression. I submit therefore that if you do not tinker up with one or the other of the Dominions you will be cut off from any source of supplies of up to date arms or weapons.

External Affairs is inextricably linked up with Defence. External Affairs is something again which is outside the boundaries of India in which not even the greatest State can operate effectively. You can hardly want to go to the expense of having Ambassadors or Ministers or Consuls in all these foreign countries, surely you want to be able to use those of India and Pakistan. Once more I suggest that External Affairs is something that you have not dealt with since the formation of the East India Company. It would be difficult to operate and will also be a source of embarrassment for you to have to take it up and it can only be managed by those who manage the Defence of the country. I submit that if you take it up it will be a liability and not an asset.

The third subject is Communications. Communications is really a means of maintaining the life blood of the whole sub-continent. I imagine everybody agrees that the country has got to go on. The continuity of Communications is already provided for to a certain extent in the Indian Independence Act and most of the representatives here have come to discuss it as item 2 on the agenda.

Therefore I am sure you will agree that these three subjects have got to be handled for you for your convenience and advantage by a larger organisation. This seems so obvious that I was at a loss to understand why some Rulers were reluctant to accept the position. One explanation probably was that some of you were apprehensive that the Central Government

would attempt to impose a financial liability on the States or encroach in other ways on their sovereignty. If I am right in this assumption at any rate so far as some Princes are concerned I think I must dispel their apprehensions and misgivings. The draft Instrument of Accession which I have caused to be circulated as a basis for discussion and not for publication to the representatives of the States provides that the States accede to the appropriate Dominion on three subjects only without any financial liability. Further that Instrument contains an explicit provision that in no other matters has the Central Government any authority to encroach on the internal autonomy or the sovereignty of the States. This would in my view be a tremendous achievement for the States. But I must make it clear that I have still to persuade the Government of India to accept it. If all of you would co-operate with me and are ready to accede I am confident that I can succeed in my efforts. Remember that the day of the transfer of power is very close at hand and if you are prepared to come you must come before the 15th August. I have no doubt that this is in the best interests of the States and every wise Ruler and wise Government would desire to link up with the great Dominion of India on a basis which leaves you great internal autonomy and which at the same time gets rid of your worries and cares over External Affairs, Defence and Communications.

The whole country is passing through a critical period. I am not asking any State to make any intolerable sacrifice of either its internal autonomy or independence. My scheme leaves you with all the practical independence that you can possibly use and makes you free of all those subjects which you cannot possibly manage on your own. You cannot run away from the Dominion Government which is your neighbour any more than you can run away from the subjects for whose welfare you are responsible. Whatever may be your decision I hope you feel that I have at least done my duty by the States.

His Excellency then proposed the following Committee for a detailed consideration of the items on the agenda:

His Highness the Chancellor of the Maharaja of Palak

His Highness the Maharaja of Baroda

His Highness the Maharaja of Gwalior

His Highness the Nawab of Bhopal

His Highness the Maharaja of Bikaner

His Highness the Maharaja of Nawanagar

His Highness the Maharawal of Dungarpur

His Highness the Maharaja of Panna

His Highness the Maharaja of Sirmoor

The Raja of Kores

The Nawab of Chhatani of Hyderabad

Sir C. P. Ramaswami Aiyer of Travancore

Sir A. Ramaswami Mudahar of Mysore

Sir V. T. Krishnamachari of Jaipur

Sir B. L. Mitter of Baroda

Mr M. A. Srinivasan of Gwalior

Sardar K. M. Panikkar of Bikaner

Mr C. S. Venkatachar of Jodhpur

Sardar D. K. Sen

Dewan Bahadur C. P. Karunakara Menon of Cochin

Rai Bahadur D. A. Surve of Kolhapur

Mr B. H. Zaidi of Rampur

His Excellency stated that the idea was to have a compact body to save time. They could split into two sub-committees, one to discuss the draft

Instrument of Accession and the other to discuss the Standstill agreements and other matters. He sincerely trusted that the other State representatives would not leave Delhi and that they would maintain daily contact with the members of the Committee to make sure that the Committee is conversant with the majority feelings in the States.

THE VICE-ROY'S HOUSE

NEW DELHI JULY 25th 1947

APPENDIX VIII

INSTRUMENT OF ACCESSION OF

WHEREAS the Indian Independence Act 1947, provides that as from the fifteenth day of August, 1947 there shall be set up an independent Dominion known as INDIA and that the Government of India Act 1935 shall with such omissions additions adaptations and modification as the Governor General may by order specify be applicable to the Dominion of India

AND WHEREAS the Government of India Act 1935 as so adapted by the Governor General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof

NOW THEREFORE I

Ruler of

do hereby exercise of my sovereignty in and over my said State Do hereby execute this my Instrument of Accession and

1 I hereby declare that I accede to the Dominion of India with the intent that the Governor General of India the Dominion Legislature the Federal Court and any other Dominion authority established for the purposes of the Dominion shall by virtue of this my Instrument of Accession but subject always to the terms thereof and for the purposes only of the Dominion exercise in relation to the State of (hereinafter referred to as this State) such functions as may be vested in them by or under the Government of India Act 1935 as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as 'the Act')

2 I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable there in by virtue of this my Instrument of Accession

3 I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State

4 I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly

5 The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act 1947 unless such amendment is accepted by me by an Instrument supplementary to this Instrument

6 Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed or in default of agreement determined by an arbitrator to be appointed by the Chief Justice of India

7 Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution

8 Nothing in this Instrument affects the continuance of my sovereignty in and over this State or save as provided by or under this Instrument the exercise of any powers authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State

9 I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors

Given under my hand this _____ day of August
Nineteen hundred and forty seven

I do hereby accept this Instrument of Accession

Dated this _____ day of August Nineteen hundred and
forty seven

(Governor General filed)

SCHEDULE

THE MATTERS WITH RESPECT TO WHICH THE DOMINION LEGISLATURE MAY MAKE LAWS FOR THIS STATE

A Defence

1 The naval military and air forces of the Dominion and any other armed force raised or maintained by the Dominion any armed forces including forces raised or maintained by an acceding State which are attached to or operating with any of the armed forces of the Dominion

2 Naval military and air force works administration or maintenance

3 Arms the arms ammunition

4 Explosives

B Frontier Affairs

1 External affairs the implementing of treaties and agreements with other countries extradition including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India

2 Admission into and emigration and expulsion from India including migration thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State pilgrimages to places beyond India

3 Naturalisation

C Communications

1 Posts and telegraphs including telephones wireless broadcasting and other like forms of communication.

2 Federal railways the regulation of all railways other than minor railways in respect of safety maximum and minimum rates and fares station and service terminal charges interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers

3 Maritime shipping and navigation including shipping and navigation on tidal waters Admiralty jurisdiction

4 Port quarantine

5 Major ports that is to say the declaration and delimitation of such ports and the constitution and powers of Port Authorities therein

6 Aircraft and air navigation the provision of aerodromes regulation and organisation of air traffic and of aerodromes

7 Lighthouses including lightships beacons and other provisions for the safety of shipping and aircraft

8 Carriage of passengers and goods by sea or by air

9 Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit

D Ancillary

1 Elections to the Dominion Legislature subject to the provisions of the Act and of any Order made thereunder

2 Offences against laws with respect to any of the aforesaid matters

3 Inquiries and statistics for the purposes of any of the aforesaid matters

4 Jurisdiction and powers of all courts with respect to any of the aforesaid matters but except with the consent of the Ruler of the acceding State not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State

APPENDIX IX

AGREEMENT BETWEEN THE STATE OF AND THE DOMINION OF INDIA

WHEREAS it is to the benefit and advantage of the Dominion of India as well as of the Indian States that existing agreements and administrative arrangements in the matters of common concern should continue for the time being between the Dominion of India or any part thereof and the Indian States

Now therefore it is agreed between the State and the Dominion of India that —

- 1 (1) Until new agreements in this behalf are made all agreements and administrative arrangements as to matters of common concern now existing between the Crown and any Indian State shall in so far as may be appropriate continue as between the Dominion of India or any part thereof and the State

(2) In particular and without derogation from the generality of sub clause (1) of this clause the matters referred to above shall include the matters specified in the Schedule to this Agreement

2 Any dispute arising out of this Agreement or out of the agreements or arrangements hereby continued shall unless any provision is made therein for arbitration by an authority other than the Governor General or Governor be settled by arbitration according as far as may be to the procedure of the Indian Arbitration Act 1899

3 Nothing in this Agreement includes the exercise of any princely functions

State

Secretary to the Government of India

SCHEDULE

- 1 Air Communications
- 2 Arms and equipment
- 3 Control of commodities
- 4 Currency and coinage
- 5 Customs
- 6 Indian States Forces
- 7 External Affairs
- 8 Extradition
- 9 Import and Export Control
- 10 Irrigation and Electric Power
- 11 Motor vehicles
- 12 National Highways
- 13 Opium
- 14 Posts Telegraphs and Telephones
- 15 Railways (including police and other arrangements in Railway lands)
- 16 Salt
- 17 Central Excises relief from double income tax and other arrangements relating to taxation
- 18 Wireless

APPENDIX A

AGREEMENT made this fourteenth day of December 1947 between the Governor General of India and the Raja of

WHEREAS in the immediate interests of the State and its people the Raja of is desirous that the administration of the State should be integrated as early as possible with that of the Province of Orissa/C.P. in such manner as the Government of the Dominion of India may think fit,

It is hereby agreed as follows —

ARTICLE I

The Raja of hereby cedes to the Dominion Government full and exclusive authority jurisdiction and powers for and in relation to the governance of the State and agrees to

transfer the administration of the State to the Dominion Government on the 1st day of January 1948 (hereinafter referred to as 'the said day')

As from the said day the Dominion Government will be competent to exercise the said powers authority and jurisdiction in such manner and through such agency as it may think fit

ARTICLE 2

The Raja shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of rupees free of taxes This amount is intended to cover all the expenses of the Ruler and his family including expenses on account of his personal staff maintenance of his residences marriages and other ceremonies etc and will neither be increased nor reduced for any reason whatsoever

The said sum may be drawn by the Raja in four equal instalments in advance at the beginning of each quarter by presenting bills at the State Treasury or at such other Treasury as may be specified by the Dominion Government

ARTICLE 3

The Raja shall be entitled to the full ownership and enjoyment of all private properties (as distinct from State property) belonging to him on the date of this agreement

The Raja will furnish to the Dominion Government before the 1st day of January 1948 an inventory of all the immovable property securities and cash balances held by him as such private property

If any dispute arises as to whether any item of property is the private property of the Raja or State property it shall be referred to such officer with judicial experience as the Dominion Government may nominate and the decision of that officer shall be final and binding on both parties

ARTICLE 4

The Raja the Rani the Rajmata the Yuvraja and the Yuvran shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State immediately before the 15th day of August 1947

ARTICLE 5

The Dominion Government guarantees the succession according to law and custom to the *gadi* of the State and to the Raja's personal rights privileges dignities and titles

In confirmation whereof Mr Vapal Pangunni Menon Secretary to the Government of India in the Ministry of States has appended his signature on behalf and with the authority of the Governor General of India and

Raja of

has appended his signature on
behalf of himself his heirs and successors

Raja of

Secretary to the Government
of India Ministry of States

Rulers the people and the country at large. I am particularly grateful to the Rulers of the States who showed a commendable appreciation of the realities of the situation and a benevolent regard for public good. To all of them undoubtedly the decisions they have taken have involved considerable sacrifice of powers and fortune. They have accepted this sacrifice cheerfully and voluntarily in the interests of their people and the country at large. I am sure their people will react favourably to this generous response to public interests.

Throughout my discussions with the Rulers I was careful to emphasise that the solution which we suggested for the difficult problems with which we and they were equally faced was for them to accept or reject of their own free will. There was no compulsion save that of events and of the circumstances and peculiar problems of their States. I also told them that in offering this solution we were actuated by nothing but the friendliest disposition towards them and had nothing but the ultimate good of the Princes and their people at heart. I also maintained that their voluntary surrender of most of the powers that they wielded so far would increase and not reduce the prestige that they have enjoyed and would create in the hearts of their people a place of lasting affection and regard which would redound to their glory. I am very glad that they all responded to these sentiments and would ask the people of these States to play their own part and to extend to each one of them unfailing cordiality and unstinted goodwill.

In future if the people of these States have any grievances they can only be against the popular representatives and leaders who would be charged with their interests and welfare and not against the Princes. These Princes have by their act of abnegation purchased in perpetuity their right to claim the devotion of their people. I am sure that very soon the Provincial Governments who would be acting for the Dominion Government in discharging administrative functions in these States will turn their thoughts and energies to ameliorating the conditions of the people and to devising ways and means of associating representatives of States with the fashioning of administrative measures. Let them all realise the stakes involved—some 56 000 square miles of territory with a population of about eight million a gross revenue of about 2 crores and immense potentialities for the future. It is the undisputable right of the people in these territories to modern amenities of Government which should be the governing consideration in everything that we do for them. It will also be the duty of the people concerned to help and co-operate wholeheartedly with the respective Provincial administrations in this process of unification and amelioration so that they may derive the full benefit of this great achievement.

APPENDIX VII THE COVENANT

ENTERED INTO BY THE RULERS OF KATHIAWAR STATES FOR THE FORMATION OF
THE UNITED STATE OF KATHIAWAR

WE the Rulers of certain States in Kathiawar,

BEING CONVINCED that the welfare of the people of this region can best be secured by the establishment of a State comprising the territories of the numerous States, Estates and Talukas in Kathiawar with a common Executive, Legislature and Judiciary

AND HAVING resolved to entrust to a Constituent Assembly consisting of elected representatives of the people the drawing up of a

democratic Constitution for that State within the framework of the Constitution of India to which we have already acceded, and of this Covenant,

DO HEREBY, with the concurrence and guarantee of the Government of India, enter into the following COVENANT—

ARTICLE I

In this Covenant—

- (a) "Covenanting State" means any of the States mentioned in Schedule I the Ruler of which has whether by himself or by a duly authorised representative signed this Covenant
- (b) 'Covenanting Salute State' means any Covenanting State which is mentioned in Part A of Schedule I
- (c) "Covenanting Non Salute State" means any Covenanting State which is mentioned in Part B of Schedule I and
- (d) unless there is anything repugnant in the subject or context references to the Ruler of a State or the Talukdar of a Taluka include any person or persons for the time being exercising the powers of the Ruler or Talukdar whether by reason of his minority or for any other reason

ARTICLE II

(1) The Covenanting States agree—

(a) to unite and integrate their territories in one State with a common executive legislature and judiciary by the name of THE UNITED STATE OF KATHIAWAR and

(b) to include in the United State or to cede any other State Taluka or Estate the Ruler or Talukdar of which agrees with the approval of the Government of India to the merger of that State Taluka or Estate in the United State of Kathiawar

(2) The terms of all the agreements of merge referred to in clause (b) of paragraph (1) of this Article shall be binding on the United State and shall be deemed to be part of this Covenant

ARTICLE III

(1) There shall be a Council of the Ruler of the Covenanting Salute States

(2) There shall be a Presidium consisting of five members each of whom shall be the Ruler of a Covenanting State and shall be not less than 21 years of age

(3) Subject to the condition mentioned in paragraph (2) of this Article the Rulers of Nawanagar and Bhavnagar shall be permanent members of the Presidium one member shall be elected from among themselves by the Rulers of the Covenanting Non Salute States and the other members shall be elected from among themselves by the members of the Council of Rulers other than Nawanagar and Bhavnagar

(4) The Council of Rulers shall elect one member of the Presidium to be the President and another to be the Vice President of the Presidium and the President so elected shall be the PAJ PRAMUKH of the United State

(5) A Ruler elected as a member of the Presidium in pursuance of paragraph (3) or as the President or the Vice President of the Presidium in pursuance of paragraph (4) of this Article shall be entitled to hold office

as such member President or Vice President as the case may be for a term of five years from the date on which he enters upon the duties of that office

(6) Notwithstanding anything to the contrary contained in the preceding paragraphs of this Article—

- (a) the present Rulers of Nawanganr and Bhavnagar having been elected President and Vice President respectively of the Presidium by the Rulers concerned on the 17th January 1948 shall be the first President and Vice President respectively of the Presidium
- (b) the present Rulers of Dhrangadhra Palitana and Kotda Sangam having been elected members of the Presidium by the Rulers concerned on the 17th and 21st January 1948, shall be the first elected members of the Presidium and
- (c) the said President Vice President and members of the Presidium shall for the purposes of paragraph (5) of this Article be deemed to have entered upon the duties of their respective office on the 1st February 1948

ARTICLE IV

(1) The Raj Pramukh shall be entitled to the same salary allowances and other amenities enabling him to discharge conveniently and with dignity the duties of his office as the Governor of Bombay is entitled to on the 20th January 1948

(2) If the Raj Pramukh is by reason of absence or illness, or for any other reason, unable to perform the duties of his office those duties shall, until he has resumed them be performed by the Vice-President of the Presidium During such period the Vice President shall be entitled to the same salary allowances and other amenities as the Raj Pramukh

ARTICLE V

(1) There shall be a Council of Ministers to aid and advise the Raj Pramukh in the exercise of his functions except those under paragraph (2) of Article VII

(2) The Ministers shall be chosen by and shall hold office during the pleasure of the Raj Pramukh

(3) For the purpose of choosing the first Council of Ministers the Raj Pramukh shall convene not later than the 20th February 1948 a meeting of the members of the Electoral College of Kathiawar (formed for electing representatives to the Constituent Assembly of India) but excluding the members from the States of Cutch Idar and Radhanpur

ARTICLE VI

(1) The Ruler of each Covenanting State shall as soon as may be practicable and in any event not later than the 15th April 1948 make over the administration of his State to the Raj Pramukh and thereupon—

- (a) all rights authority and jurisdiction belonging to the Ruler which appertain or are incidental to the government of the Covenanting State shall vest in the United State of Kathiawar and shall thereafter be exercisable only as provided by this Covenant or by the Constitution to be framed thereunder,

(b) all duties and obligations of the Ruler pertaining or incidental to the government of the Covenantee State shall devolve on the United State of Kathiawar and shall be discharged by it, and

(c) all the assets and liabilities of the Covenantee State shall be the assets and liabilities of the United State of Kathiawar

(2) When in pursuance of any such agreement of merger as is referred to in clause (b) of paragraph (1) of Article II the administration of any other State, Taluka or Estate is handed over to the Raj Pramukh, the provisions of clauses (a) and (b) of paragraph (1) of this Article, and in the case of a State, the provisions also of clause (c) thereof shall apply in relation to such State Taluka or Estate. They shall apply in relation to a Covenantee State with the modification that in relation to a Taluka or Estate, the references in the said clauses to the Ruler shall be construed as references to the Talukdar

ARTICLE VII

(1) The military forces of any of each Covenantee State shall as from the date on which the administration of such State is made over to the Raj Pramukh become the military forces of the United State of Kathiawar

(2) Subject to any directions or instructions that may from time to time be given by the Government of India in this behalf, the authority to raise, maintain and administer the military forces of the United State shall vest exclusively in the Raj Pramukh

Provided that nothing in this Article shall be deemed to prevent the Raj Pramukh from consulting the Presidium or the Council of Ministers in regard to any of the said matters

ARTICLE VIII

Subject to the provisions of this Covenant and of the Constitution to be framed thereunder the executive authority of the United State shall be exercised by the Raj Pramukh either directly or through officers subordinate to him but nothing in this Article shall prevent any competent legislature of the United State from conferring functions upon subordinate authorities or be deemed to transfer to the Raj Pramukh any functions conferred by any existing law on any court judge officer or local authority in a Covenantee State

ARTICLE IX

(1) There shall be formed as soon as may be practicable a Kathiawar Constituent Assembly in the manner indicated in Schedule II

(2) It shall be the duty of the said Assembly to frame a Constitution for the United State (whether of a unitary or federal type) within the framework of this Covenant and the Constitution of India and providing for a government responsible to the legislature

(3) Until a Constitution so framed comes into operation after receiving the assent of the Raj Pramukh the legislative authority of the United State shall rest in the Raj Pramukh who may make and promulgate Ordinances for the peace and good government of the State or any part thereof and any Ordinance so made shall have the like force of law as an Act passed by the legislature of the State

ARTICLE X

(1) The Ruler of each Covenanting State shall be entitled to receive annually from the revenues of the United State for his privy purse the amount specified against that Covenanting State in Schedule I

(2) The said amount is intended to cover all the expenses of the Ruler and his family including expenses on account of his personal staff maintenance of his residences marriages and other ceremonies etc., and shall neither be increased nor reduced for any reason whatsoever

(3) The Raj Pramukh shall cause the said amount to be paid to the Ruler in four equal instalments at the beginning of each quarter in advance

(4) The said amount shall be free of all taxes whether imposed by the Government of the United State of Kathiawar or by the Government of India

ARTICLE XI

(1) The Ruler of each Covenanting State shall be entitled to the full ownership use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of his making over the administration of that State to the Raj Pramukh

(2) He shall furnish to the Raj Pramukh within one month of the said date an inventory of all the immovable properties securities and cash balances held by him as such private property

(3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property it shall be referred to such person as the Government of India may nominate and the decision of that person shall be final and binding on all parties concerned

ARTICLE XII

The Ruler of each Covenanting State as also the members of his family shall be entitled to all the personal privileges dignities and titles enjoyed by them whether within or outside the territories of the State immediately before the 15th day of August 1947

ARTICLE XIII

(1) The succession according to law and custom to the *gaddi* of each Covenanting State and to the personal rights privileges dignities and titles of the Ruler thereof is hereby guaranteed

(2) Every question of disputed succession in regard to a Covenanting State shall be decided by the Council of Rulers after referring it to the High Court of Kathiawar and in accordance with the opinion given by that High Court

ARTICLE XIV

No enquiry shall be made by or under the authority of the State of Kathiawar and no proceedings shall lie in any court in that State against the Ruler of any Covenanting State whether in a personal capacity or otherwise in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State

ARTICLE XV

The Government of Kathiawar shall in consultation with the Government of India and the Government of Bombay take all steps necessary to set up a Joint Advisory Council consisting of Ministers of Kathiawar and Ministers of the Province of Bombay for investigating and discussing subjects of common concern and making recommendations thereon and in particular recommendations for the better co-ordination of policy and action with respect to any such subject

ARTICLE XVI

(1) The United State of Kathiawar hereby guarantees *either* the continuance in service of the permanent members of the public services of each of the Covenantee States on conditions which will be not less advantageous than those on which they were serving before the date on which the administration of that State is made over to the Raj Pramukh or the payment of reasonable compensation

(2) The United State of Kathiawar further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in any of the Covenantee States to members of the public services of that State who have retired or proceeded on leave preparatory to retirement before the date referred to in paragraph (1) of this article

(3) The provisions of paragraphs (1) and (2) of this Article shall apply also in relation to the public services of any other State in Kathiawar merging in the United State of Kathiawar and the provisions of paragraph (1) shall apply also in relation to any staff of the Regional Commissioner Western India and Gujarat States which may be transferred to the service of the United State of Kathiawar

ARTICLE XVII

Except with the previous sanction of the Raj Pramukh no proceedings, civil or criminal shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of any Covenantee State before the date on which the administration thereof is made over to the Raj Pramukh

ARTICLE XVIII

Nothing in this Covenant shall be deemed to prevent the Government of Kathiawar from negotiating a Union of Kathiawar with other Gujarati speaking areas on such terms and conditions as may be agreed to by the Council of Rulers as well as the Council of Ministers of Kathiawar

SCHEDULE I

Covenantee States and Principal Purse Amounts

PART A SALUTE STATES

	R
1 Nawansheri	10 00 000
2 Bhavnagar	14 00 000
3 Porbandar	3 50 000
4 Dhrangadhra	3 50 0 0
5 Morvi	5 00 000
6 Gondal	5 00 000
7 Jafraabad	16 00
8 Wankaner	1,50 000
9 Patana	1 80,000
10 Dhol	1 10 00
11 Limbdi	1 50 000
12 Pajkot	2,50 000
13 Wadhwan	1,40 000

PART I NO SALUTE STATES

	Lacs
1 Lohit	1,000
2 Sayla	67,500
3 Cluda	51,500
4 Vela	88,750
5 Joodan	13,000
6 Aarnag r l t evli	100,000
7 Vakra	78,250
8 Vela	77,500
9 Muli	10,500
10 Tajana	14,500
11 Vupu	17,500
12 Mahya	67,000
13 K r l l Singani	10,000
14 Jotpur	1,00,000
15 Palkha	000
16 Patu	30,000
17 Khirasia	

SCHEDULE II

Provisions relating to the Kathiawar Constituent Assembly

1 The Assembly shall consist of not more than forty five elected representatives of the people of the United State of Kathiawar on the basis of one representative for approximately one lakh of the population

Provided that the people of each Covenanting Salute State shall irrespective of their number be entitled to elect at least one representative

2 The United State of Kathiawar shall be divided into territorial constituencies and the total number of seats shall be distributed among them by assigning to each constituency one or two seats as may be convenient As far as possible the constituencies shall be so delimited as not to cut across the boundaries of any compact part of a Covenanting State

3 The qualifications for membership of the Assembly and for being included in the electoral rolls shall be similar to those prescribed in relation to the Provincial Legislative Assembly of Bombay subject to necessary modifications

Provided that no person shall be disqualified either from being chosen as or from being a member of the Assembly or from being included in the electoral roll of a constituency merely because he is the Ruler of a Covenanting or other State or the Talukdar of a Taluka or Estate

4 An order shall in due course be made and proclaimed by the Raj Pramukh providing, consistently with the foregoing provisions of this Schedule, for—

- (a) the delimitation of constituencies,
- (b) the preparation of electoral rolls,
- (c) the qualifications for membership of the Assembly,
- (d) the qualifications entitling persons to vote in the elections,
- (e) conduct of the elections including bye elections for the filling of casual vacancies
- (f) corrupt practices at or in connection with such elections, and
- (g) the decision of doubts and disputes arising out of or in connection with such elections

In confirmation of the above Covenant we append our signatures, on behalf of ourselves, our heirs and successors

(Sd) Rulers of the Covenanting States

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof Mr Vapal Pongunni Menon Secretary to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India

(Sd) V P Menon

Secretary to the Government of India

Ministry of States

APPENDIX XIII

THE COVENANT

entered into by the Rulers of Alwar Bharatpur Dholpur and Karauli for the formation of

THE UNITED STATE OF MATSYA

We the Rulers of Alwar Bharatpur Dholpur and Karauli

BEING CONVINCED that the welfare of our people can best be secured by the integration of the territories of our four States in one State with a common Executive Legislature and Judiciary,

AND HAVING resolved to entrust to a Constituent Assembly consisting of elected representatives of the people the drawing up of a democratic Constitution for that State within the framework of the Constitution of India to which we have already acceded and of this Covenant

DO HEREBY, with the concurrence and guarantee of the Government of India enter into the following Covenant —

ARTICLE I

In this Covenant,—

(a) "Covenanting State" means any of the said four States of Alwar Bharatpur, Dholpur and Karauli, and

(b) unless there is anything repugnant in the subject or context reference to the Ruler of a State, include any person or persons for the time being, exercising the powers of the Ruler, whether by reason of his minority or for any other reason

ARTICLE II

(1) The Covenanting States agree to unite and integrate their territories in one State with a common Executive Legislature and Judiciary by the name of THE UNITED STATE OF MATSYA

(2) The said State is hereafter in this Covenant referred to as the United State

ARTICLE III

(1) There shall be a Council of Rulers consisting of the Rulers of all the Covenanting States

Provided that no Ruler who is less than 21 years of age shall be a member of the Council

(2) The Council shall elect at a meeting one of its members to be the President and another to be the Vice President of the Council and the President so elected shall be the RAJ PRAMUKH of the United State

(3) For the purposes of the elections referred to in paragraph (2) the Rulers of Alwar Bharatpur Dholpur and Karauli shall have 6 votes 4 votes 2 votes and 1 vote respectively

(4) A Ruler elected as the President or the Vice President of the Council shall be entitled to hold office as such President or Vice President for a term of five years from the date on which he enters on the duties of that office

Notwithstanding anything contained in the preceding paragraphs of this Article—

(a) The present Rulers of Dholpur and Alwar having been elected President and Vice President respectively of the Council by the Rulers of all the Covenanting States on the 27th February 1945 shall be the first President and Vice President respectively of the Council of Rulers and

(b) the said President and Vice President shall for the purposes of paragraph (4) of this Article be deemed to have entered upon the duties of their respective offices on the 1948

ARTICLE IV

(1) There shall be paid to the Raj Pramukh from the revenues of the United State a sum of _____ rupees per year as consolidated allowance in order that he may be enabled to discharge conveniently and with dignity the duties of his office

(2) If the Raj Pramukh is by reason of absence or illness or for any other reason unable to perform the duties of his office those duties shall until he has resumed them be performed by the Vice President of the Council of Rulers

ARTICLE V

(1) There shall be a Council of Ministers to aid and advise the Raj Pramukh in the exercise of his functions except those under paragraph (2) of Article VII

(2) The Ministers shall be chosen by and shall hold office during the pleasure of the Raj Pramukh

ARTICLE VI

(1) The Ruler of each Covenanting State shall as soon as may be practicable and in any event not later than the 15th March 1948 make over the administration of his State to the Raj Pramukh, and thereupon—

(a) all rights authority and jurisdiction on belonging to the Ruler which appertain or are incidental to the government of the Covenanting State shall vest in the United State and shall hereafter be exercisable only as provided by this Covenant or by the Constitution to be framed thereunder

- (b) all duties and obligations of the Ruler pertaining or incidental to the Government of the Covenantee State shall devolve on the United State and shall be discharged by it, and
- (c) all the assets and liabilities of the Covenantee State shall be the assets and liabilities of the United State

ARTICLE VII

(1) The Military Forces if any of each Covenantee State shall as from the date on which the administration of such State is made over to the Raj Pramukh become the military forces of the United State

(2) Subject to any directions or instructions that may from time to time be given by the Government of India in this behalf the authority to raise maintain and administer the military forces of the United State shall vest exclusively in the Raj Pramukh,

Provided that nothing in this Article shall be deemed to prevent the Raj Pramukh from consulting the Council of Ministers in regard to any of the said matters

ARTICLE VIII

Subject to the provisions of this Covenant and of the Constitution to be framed thereunder the executive authority of the United State shall be exercised by the Raj Pramukh either directly or through officers subordinate to him but nothing in this Article shall prevent any competent legislature of the United State from conferring functions upon subordinate authorities or be deemed to transfer to the Raj Pramukh any functions conferred by any existing law on any court judge officer or local authority in a Covenantee State

ARTICLE IX

(1) There shall be formed as soon as may be practicable a Constituent Assembly in the manner indicated in Schedule II

(2) It shall be the duty of the said Assembly to frame a Constitution for the United State within the framework of this Covenant and the Constitution of India and providing for a government responsible to the legislature

(3) Until a Constitution so framed comes into operation after receiving the assent of the Raj Pramukh the Legislative authority of the United State shall vest in the Raj Pramukh who may make and promulgate Ordinances for the peace and good government of the United State or any part thereof and any Ordinance so made shall have the like force of law as an Act passed by the Legislature of the United State

ARTICLE X

(1) The Ruler of each Covenantee State shall be entitled to receive annually from the revenues of the United State for his privy purse the amount specified against that Covenantee State in Schedule I

(2) The said amount is intended to cover all the expenses of the Ruler and his family including expenses of his residences marriages and other ceremonies etc and shall neither be increased nor reduced for any reason whatsoever

(3) The Raj Pramukh shall cause the said amount to be paid to the Ruler in four equal instalments at the beginning of each quarter in advance

(4) The said amount shall be free of all taxes whether imposed by the Government of the United State or by the Government of India

ARTICLE XI

(1) The Ruler of each Covenantee State shall be entitled to the full ownership use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of his making over the administration of that State to the Raj Pramukh

(2) He shall furnish to the Raj Pramukh before the 1st May 1948 an inventory of all the immovable properties securities and cash balances held by him as such private property

(3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property it shall be referred to such person as the Government of India may nominate and the decision of that person shall be final and binding on all parties concerned

ARTICLE XII

The Ruler of each Covenanting State as also the members of his family shall be entitled to all the personal privileges dignities and titles enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August 1947

ARTICLE XIII

(1) The succession according to law and custom to the *gaddi* of each Covenanting State and to the personal rights privileges dignities and titles of the Ruler thereof is hereby guaranteed

(2) Every question of disputed succession in regard to a Covenanting State shall be decided by the Council of Rulers after referring it to the High Court of the United State and in accordance with the opinion given by that High Court

ARTICLE XIV

No enquiry shall be made by or under the authority of the United State and no proceedings shall be in any court in the United State against the Ruler of any Covenanting State whether in a personal capacity or otherwise in respect of anything done or omitted to be done by him under his authority during the period of his administration of that Covenanting State

ARTICLE XV

(1) The United State hereby guarantees either the continuance in service of the permanent members of the public services of each of the Covenanting States on conditions which will be not less advantageous than those on which they were serving on the 1st February 1948 or the payment of reasonable compensation

(2) The United State further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in any of the Covenanting States to members of the public services of that State who have retired or proceeded on leave preparatory to retirement before the date referred to in paragraph (1) of this Article

ARTICLE XVI

Except with the previous sanction of the Raj Pramukh no proceedings civil or criminal shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of any Covenanting State before the date on which the administration thereof is made over to the Raj Pramukh

SCHEDULE I

COVENANTING STATES AND PRIVY PURSE AMOUNTS

R

- 1 Alwar
- 2 Bharatpur
- 3 Dholpur
- 4 Karnali

SCHEDULE II

PROVISIONS RELATING TO THE MATSYA CONSTITUENT ASSEMBLY

1 The Assembly shall consist of not more than twenty elected representatives of the people of the United State on the basis of one representative for approximately one lakh of the population and not more than three other persons nominated by the Raj Pramukh to represent special interests

2 The United State shall be divided into territorial constituencies and the total number of seats shall be distributed among them by assigning to each constituency one or two seats as may be convenient

3 The qualifications for membership of the Assembly and for being included in the electoral rolls shall be similar to those prescribed in relation to the Provincial Legislative Assembly of the United Provinces subject to necessary modifications

4 An Order shall in due course be made and proclaimed by the Raj Pramukh providing consistently with the foregoing provisions of this Schedule for—

- (a) the delimitation of constituencies,
- (b) the preparation of electoral rolls
- (c) the qualifications for membership of the Assembly
- (d) the qualifications entitling persons to vote in the elections
- (e) conduct of the elections including bye elections for the filling of casual vacancies,
- (f) corrupt practices at or in connection with such elections and
- (g) the decision of doubts and disputes arising out of or in connection with such elections

In confirmation of the above Covenant we append our signatures on behalf of ourselves our heirs and successors

(Sd) Rulers of the Covenanting States

The Government of India hereby concur in the above Covenant and guarantee all its provisions In confirmation whereof Mr Vapal Pangurni Menon Secretary to the Government of India in the Ministry of States appends his signature on behalf and with the authority of the Government of India

(Sd) V P Menon

Secretary to the Govt of India Ministry of States

28th February 1948

APPENDIX XIV

THE COVENANT

entered into by the Rulers of certain States in Bundelkhand and Baghelkhand for the formation of

THE UNITED STATE OF VINDHYAPRADESH

WE the Rulers of certain States in Bundelkhand and Baghelkhand BEING CONVINCED that the welfare of the people of this region can best be secured by the establishment of a State comprising the territories of the numerous States in this region with a common Executive Legislature and Judiciary

AND HAVING resolved to entrust to a Constituent Assembly consisting elected representatives of the people the drawing up of a democratic constitution for that State within the framework of the Constitution of India to which we have already acceded, and of this Covenant,

Do HEREBY, with the concurrence and guarantee of the Government of India enter into the following COVENANT—

ARTICLE I

In this Covenant,—

- (a) "Covenanting State" means any of the States mentioned in Schedule I the Ruler of which has whether by himself or by a duly authorised representative signed this Covenant,
- (b) "Covenanting Salute State" means any Covenanting State which is mentioned in Part A of Schedule I,
- (c) "Covenanting Non Salute State" means any Covenanting State which is mentioned in Part B of Schedule I, and
- (d) Unless there is anything repugnant in the subject or context references to the Ruler of a State, include any person or persons for the time being exercising the powers of the Ruler, whether by reason of his minority or for any other reason

ARTICLE II

(1) The Covenanting States agree to unite and integrate their territories in one State with a common executive legislature and judiciary, by the name of 'THE UNITED STATE OF VINDHYAPRADESH'

(2) The said State is hereafter in this Covenant referred to as 'the United State'

ARTICLE III

(1) There shall be a Council of Rulers consisting of the Rulers of the Covenanting Salute States the Rulers of Sarila Alipura Sohawal and Kotha and two Rulers to be elected from among themselves by the rest of the Rulers of the Covenanting Non Salute States

Provided that no Ruler who is less than 21 years of age shall be a member of the Council

(2) The Council shall elect at a meeting one of its members to be the President and another to be the Vice President of the Council and the President so elected shall be the Raj Pramukh of the United State

(3) For the purposes of the elections referred to in paragraph (2) the Ruler of Rewa shall have fifteen votes and the other members of the Council of Rulers one vote each

(4) A Ruler elected as the President or the Vice President of the Council shall be entitled to hold office as such President or Vice President for a term of five years from the date on which he enters upon the duties of that office

(5) Notwithstanding anything contained in the preceding paragraphs of this Article the present Rulers of Rewa and Panna shall be deemed to have been elected as the first President and Vice-President respectively of the Council of Rulers and shall be deemed to have entered upon the duties of their respective offices on the 2nd day of April 1948

ARTICLE IV

(1) There shall be paid to the Raj Pramukh from the revenues of the United State a sum of sixty thousand rupees per year as consolidated allowance in order that he may be enabled to discharge conveniently and with dignity the duties of his office

(2) If the Raj Pramukh is by reason of absence or illness or for any other reason unable to perform the duties of his office those duties shall until he has resumed them be performed by the Vice President. During such period the Vice President shall be entitled to the same consolidated allowance as the Raj Pramukh

ARTICLE V

(1) There shall be a Council of Ministers to aid and advise the Raj Pramukh in the exercise of his functions except those under paragraph (2) of Article VII

(2) The Ministers shall be chosen by and shall hold office during the pleasure of the Raj Pramukh

ARTICLE VI

(1) The Ruler of each Covenanted State shall as soon as may be practicable and in any event not later than the 1st of May 1948 make over the administration of his State to the Raj Pramukh and thereupon—

- (a) all rights authority and jurisdiction belonging to the Ruler which appertain or are incidental to the government of the Covenanted State shall vest in the United State and shall hereafter be exercisable only as provided by this Covenant or by the Constitution to be framed thereunder
- (b) all duties and obligations of the Ruler pertaining or incidental to the government of the Covenanted State shall devolve on the United State and shall be discharged by it and
- (c) all the assets and liabilities of the Covenanted State shall be the assets and liabilities of the United State

ARTICLE VII

(1) The military forces if any of each Covenanted State shall as from the date on which the administration of such State is made over to the Raj Pramukh become the military forces of the United State

(2) Subject to any directions or instructions that may from time to time be given by the Government of India in this behalf the authority to raise maintain and administer the military forces of the United State shall vest exclusively in the Raj Pramukh,

Provided that nothing in this Article shall be deemed to prevent the Raj Pramukh from consulting the Council of Ministers in regard to any of the said matters

ARTICLE VIII

Subject to the provisions of this Covenant and of the Constitution to be framed thereunder the executive authority of the United State shall be exercised by the Raj Pramukh either directly or through officers subordinate to him but nothing in this Article shall prevent any competent Legislature of the United State from conferring functions upon subordinate authorities or be deemed to transfer to the Raj Pramukh any functions conferred by any existing law on any court judge officer or local authority in a Covenanted State

ARTICLE IX

(1) There shall be formed as soon as may be practicable a Constituent Assembly in the manner indicated in Schedule II

(2) It shall be the duty of the said Assembly to frame a Constitution (whether of a unitary or federal type) for the United State within the framework of this Covenant and the Constitution of India, and providing for a government responsible to the legislature

(3) Until a Constitution so framed comes into operation after receiving the assent of the Raj Pramukh the legislative authority of the United State shall vest in the Raj Pramukh who may make and promulgate Ordinances for the peace and good government of the United State or any part thereof and any Ordinance so made shall have the like force of law as an Act passed by the legislature of the United State

ARTICLE X

(1) The Ruler of each Covenanted State shall be entitled to receive annually from the revenues of the United State for his privy purse the amount specified against that Covenanted State in Schedule I

(2) The said amount is intended to cover all the expenses of the Ruler and his family including expenses on account of his personal staff maintenance of his residences marriages and other ceremonies etc and shall neither be increased nor reduced for any reason whatsoever

(3) The Raj Pramukh shall cause the said amount to be paid to the Ruler in four equal instalments at the beginning of each quarter in advance

(4) The said amount shall be free of all taxes whether imposed by the Government of the United State or by the Government of India

ARTICLE XI

(1) The Ruler of each Covenanted State shall be entitled to the full ownership use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of his taking over the administration of that State to the Raj Pramukh

(2) He shall furnish to the Raj Pramukh before the 1st May 1948 an inventory of all the immovable properties securities and cash balances held by him as such private property

(3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property it shall be referred to a Judicial Officer to be nominated by the Government of India and the decision of that person shall be final and binding on all parties concerned

ARTICLE XII

The Ruler of each Covenanted State as also the members of his family shall be entitled to all the personal privileges dignities and titles enjoyed by them whether within or outside the territories of the State immediately before the 15th day of August 1947

ARTICLE XIII

(1) The succession according to law and custom to the gaddi of each Covenanted State and to the personal rights privileges dignities and titles of the Ruler thereof is hereby guaranteed

(2) Every question of disputed succession in regard to a Covenanted State shall be decided by the Council of Rulers after referring it to the High Court of the United State and in accordance with the opinion given by that High Court

ARTICLE XIV

No enquiry shall be made by or under the authority of the United State and no proceedings shall be in any court in the United State against the Ruler of any Covenanting State whether in a personal capacity or otherwise in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that Covenanting State

ARTICLE XV

(1) The United State hereby guarantees *either* the continuance in service of the permanent members of the public services of each of the Covenanting States on conditions which will be not less advantageous than those on which they were serving on the 1st February 1943 or the payment of reasonable compensation

(2) The United State further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in any of the Covenanting States to members of the public services of that State who have retired or proceeded on leave preparatory to retirement before the date referred to in paragraph (1) of this Article

ARTICLE XVI

Except with the previous sanction of the Raj Pramukh no proceedings civil or criminal shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of any Covenanting State before the date on which the administration thereof is made over to the Raj Pramukh

ARTICLE XVII

Notwithstanding anything contained in this Covenant if three fourths of the representatives of Rewa State in the Constituent Assembly vote in favour of opting out of the Union this Covenant in so far as it affects that State will not be operative. If this option is not exercised within one month from the date of the first meeting of the Constituent Assembly the provisions of this Article will be inoperative

SCHEDULE I

COVENANTING STATES AND PRIVY PURSE AMOUNTS

PART A — SALUTE STATES

	Rs
1 Ajagarh	74 700
2 Baoni	46 850
3 Barmandha	14 500
4 B jawar	70 700
5 Chhatarpur	1 00 350
6 Charkhari	95 900
7 Datsa	1 54 300
8 Ma har	56 500
9 Nagod	55 400
10 Orchha	1 85 300
11 Panna	1 47 300
12 Rewa	10 00 000
13 Samthar	51 800

PART B - NON SALUTE STATES

	R.
1 Alipura	28 '50
2 Banka Sahari	3 000
3 Ber	7 750
4 Bhausaunda	5 600
5 Bhat	5 800
6 Bijna	3 000
7 Bihari	5 000
8 Garrauli	10 '50
9 Gaurihar	15 600
10 Jaso	8 600
11 Jini	5 900
12 Nam a Rajaula	5 000
13 Khan adhan	15 600
14 Kotli	1 '400
15 Ito	10 100
16 Naawan Pehri	5 000
17 Palra	5 300
18 Pa deo (Nayagan)	10 400
19 Sarila	18 650
20 Sohawal	25 800
21 Tarson	6 850
22 Tori Fatehpur	7 000

SCHEDULE II

PROVISIONS RELATING TO THE VINDHYAPRADESH CONSTITUENT ASSEMBLY

1 The Assembly shall consist of not more than thirty six elected representatives of the people of the United State on the basis of one representative for approximately one lakh of the population

2 The United State shall be divided into territorial constituencies and the total number of seats shall be distributed among them by assigning to each constituency one or two seats as may be convenient. As far as possible the constituencies shall be so delimited as not to cut across the boundaries of any compact part of a Covenanting State

3 The qualifications for membership of the Assembly and for being included in the electoral rolls shall be similar to those prescribed in relation to the Provincial Legislative Assembly of the United Provinces subject to necessary modifications

4 An order shall in due course be made and proclaimed by the Raj Pramukh providing consistently with the foregoing provisions of this Schedule for—

- (a) the delimitation of constituencies
- (b) the preparation of electoral rolls
- (c) the qualifications for membership of the Assembly
- (d) the qualifications entitling persons to vote in the elections
- (e) conduct of the elections including bye elections for the filling of casual vacancies.

- (f) corrupt practices at or in connection with such elections; and
 - (g) the decision of doubts and disputes arising out of or in connection with such elections.
-

In confirmation of the above Covenant we append our signatures, on behalf of ourselves, our heirs and successors.

(Sd.) *Rulers of the Covenanting States.*

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, appends his signature on behalf, and with the authority of, the Government of India.

(Sd) *V. P. Menon,*
Secretary to the Government of India,
Ministry of States.

APPENDIX XV.

THE COVENANT.

entered into by the Rulers of Banswara, Bundi, Dungarpur, Jhalawar, Kishengarh, Kotah, Mewar, Partabgarh, Shahpura and Tonk for the reconstitution of

THE UNITED STATE OF RAJASTHAN.

WHEREAS by a Covenant entered into by the Rulers of Banswara, Bundi, Dungarpur, Jhalawar, Kishengarh, Kotah, Partabgarh, Shahpura and Tonk it has been agreed that the territories of the said nine States should be integrated into one State by the name of the United State of Rajasthan.

AND WHEREAS it has been agreed between the Rulers of the said nine States and the Ruler of Mewar that the said United State of Rajasthan should be re-constituted by the integration of the territories of all the ten States.

The Rulers aforesaid do hereby, in supersession of the said Covenant and with the concurrence and guarantee of the Government of India, enter into this Covenant:—

ARTICLE I.

In this Covenant,—

- (a) "Covenanting State" means any of the said ten States of Banswara, Bundi, Dungarpur, Jhalawar, Kishengarh, Kotah, Mewar, Partabgarh, Shahpura and Tonk; and
- (b) unless there is anything repugnant in the subject or context, references to the Ruler of a State include any person or persons for the time being exercising the powers of the Ruler, whether by reason of his minority or for any other reason.

ARTICLE II.

(1) The Covenanting States agree—

(a) to unite and integrate their territories in one State, with a common executive, legislature and judiciary, by the name of 'THE UNITED STATE OF RAJASTHAN', hereinafter referred to as the United State; and

(b) to include in the United State so established any other State the Ruler of which agrees with the approval of the Government of India to the merger of that State in the United State of Rajasthan.

(2) The terms of any such agreement of merger as is referred to in clause (b) of paragraph (1) of this Article shall be binding on the United State and shall be deemed to be part of this Covenant.

ARTICLE III.

(1) There shall be a Council of Rulers consisting of the Rulers of all the Covenanting States:

Provided that no Ruler who is less than 21 years of age shall be a member of the Council

(2) The present Rulers of Mewar, Kotah, Bundi and Dungarpur shall, respectively, be the first President, Senior Vice-President and Junior Vice-Presidents of the Council, and shall enter upon the duties of their respective offices on the 18th day of April 1948. The said President shall be entitled to hold office during his life time, and the said Vice-Presidents shall be entitled to hold office for a term of five years from the said date.

(3) Whenever a vacancy occurs or is about to occur in any of the offices referred to in paragraph (2), the Council of Rulers shall elect at a meeting a member to fill that vacancy, and any member so elected shall hold office for a term of five years from the date on which he enters upon the duties thereof.

(4) The Ruler who is for the time being the President of the Council shall be the Raj Pramukh of the United State.

ARTICLE IV.

(1) There shall be paid to the present Raj Pramukh during his tenure of office from the revenues of the United State, a sum of rupees five lakhs per year as consolidated allowance in order that he may be enabled to discharge conveniently and with dignity the duties of his office.

(2) If the Raj Pramukh is, by reason of absence or illness or for any other reason unable to perform the duties of his office, those duties shall, until he has resumed them, be performed by the Senior Vice-President of the Council of Rulers. During such period the Senior Vice-President shall be entitled to the same consolidated allowance as the Raj Pramukh.

ARTICLE V

(1) There shall be a Council of Ministers to aid and advise the Raj Pramukh in the exercise of his functions except those under paragraph (2) of Article VII.

(2) The Ministers shall be chosen by, and shall hold office during the pleasure of, the Raj Pramukh.

ARTICLE VI

(1) The Ruler of each Covenantee State shall as soon as practicable and in any event not later than the first day of May 1948 make over the administration of his State to the Raj Pramukh

And thereupon—

- (a) all rights authority and jurisdiction belonging to the Ruler which appertain or are incidental to the government of the Covenantee State shall vest in the United State and shall hereafter be exercisable only as provided by this Covenant or by the Constitution to be framed thereunder
- (b) all duties and obligations of the Ruler pertaining or incidental to the Government of the Covenantee State shall devolve on the United State and shall be discharged by it and
- (c) all the assets and liabilities of the Covenantee State shall be the assets and liabilities of the United State

(2) When in pursuance of any such agreement of merger as is referred to in clause (b) of paragraph (1) of Article II the administration of any other State is handed over to the Raj Pramukh the provisions of clauses (a), (b) and (c) of paragraph (1) of this Article shall apply in relation to such State as they apply in relation to a Covenantee State

ARTICLE VII

(1) The military forces if any of each Covenantee State shall as from the date on which the administration of such State is made over to the Raj Pramukh become the military forces of the United State

(2) Subject to any directions or instructions that may from time to time be given by the Government of India in this behalf the authority to raise maintain and administer the military forces of the United State shall vest exclusively in the Raj Pramukh

Provided that nothing in this Article shall be deemed to prevent the Raj Pramukh from consulting the Council of Ministers in regard to any of the said matters

ARTICLE VIII

The Raj Pramukh shall as soon as practicable and in any event not later than the first day of June 1948 execute on behalf of the United State an Instrument of Accession in accordance with the provisions of Section 6 of the Government of India Act 1935 and in place of the Instruments of Accession of the several Covenantee States and he may by such Instrument accept as matters with respect to which the Dominion Legislature may make laws for the United State any matters in addition to those specified in the Instrument of Accession of any of the Covenantee States

ARTICLE IX

Subject to the provisions of this Covenant and of the Constitution to be framed thereunder the executive authority of the United State shall be exercised by the Raj Pramukh either directly or through officers subordinate to him but nothing in this Article shall prevent any competent legislature of the United State from conferring functions upon subordinate authorities or be deemed to transfer to the Raj Pramukh any functions conferred by any existing law on any court judge officer or local authority in a Covenantee State

ARTICLE X

(1) There shall be formed, as soon as may be practicable a Constituent Assembly in the manner indicated in Schedule II

(2) It shall be the duty of the said Assembly to frame a Constitution for the United State within the framework of this Covenant and the Constitution of India and providing for a government responsible to the legislature

(3) Until a Constitution so framed comes into operation after receiving the assent of the Raj Pramukh the Legislative authority of the United State shall vest in the Raj Pramukh who may make and promulgate Ordinances for the peace and good government of the United State or any part thereof and any Ordinance so made shall have the like force of law as an Act passed by the legislature of the United State

ARTICLE XI

(1) The Ruler of each Covenanted State shall be entitled to receive annually from the revenues of the United State for his privy purse the amount specified against that Covenanted State in Schedule I

(2) The said amount is intended to cover all the expenses of the Ruler and his family including expenses of his residences marriages and other ceremonies etc and shall neither be increased nor reduced for any reason whatsoever

(3) The Raj Pramukh shall cause the said amount to be paid to the Ruler in four equal instalments at the beginning of each quarter in advance

(4) The said amount shall be free of all taxes whether imposed by the Government of the United State or by the Government of India

ARTICLE XII

(1) The Ruler of each Covenanted State shall be entitled to the full ownership use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of his making over the administration of that State to the Raj Pramukh

(2) He shall furnish to the Raj Pramukh before the 1st May 1948 an inventory of all the immovable properties securities and cash balances held by him as such private property

(3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property it shall be referred to such person as the Government of India may nominate and the decision of that person shall be final and binding on all parties concerned

Provided that no such dispute shall be so referable after the first day of May, 1949

ARTICLE XIII

The Ruler of each Covenanted State as also the members of his family shall be entitled to all the personal privileges dignities and titles enjoyed by them whether within or outside the territories of the State, immediately before the 15th August 1947

ARTICLE XIV

(1) The succession according to law and custom to the gaddi of each Covenanted State and to the personal rights privileges dignities and titles of the Ruler thereof is hereby guaranteed

(2) Every question of disputed succession in regard to a Covenanting State shall be decided by the Council of Rulers after referring it to the High Court of the United State and in accordance with the opinion given by that High Court

ARTICLE XV

No enquiry shall be made by or under the authority of the United State, and no proceedings shall lie in any court in the United State against the Ruler of any Covenanting State, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that Covenanting State

ARTICLE XVI

(1) The United State hereby guarantees either the continuance in service of the permanent members of the public services of each of the Covenanting States on conditions which will be not less advantageous than those on which they were serving on the 1st February 1948 or the payment of reasonable compensation

(2) The United State further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in any of the Covenanting States to members of the public services of that State who have retired or proceeded on leave preparatory to retirement before the date on which the administration of the State is made over to the Raj Pramukh

(3) The provisions of paragraphs (1) and (2) of this Article shall apply also in relation to the public services of any other State in Rajputana merging in the United State of Rajasthan

ARTICLE XVII

Except with the previous sanction of the Raj Pramukh no proceedings civil or criminal shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of any Covenanting State before the date on which the administration thereof is made over to the Raj Pramukh

ARTICLE XVIII

Nothing in this Covenant shall be deemed to prevent the Government of the United State from negotiating a Union of Rajasthan with other States in Rajputana on such terms and conditions as may be agreed to by the Council of Rulers as well as the Council of Ministers of Rajasthan

SCHEDULE I

COVENANTING STATES AND PRIVY PURSE AMOUNTS

	1 s
1 Banswara	1 26 000
2 Bundi	2,81,000
3 Dungarpur	1 95 000
4 Jhalawar	1 36 000
5 Kishengarh	1,36 000
6 Kotah	7,00 000
7 Mewar	10 00,000
8 Patsbgarh	1 02,000
9 Shahpura	90 000
10 Tonk	2,78 000

SCHEDULE II

PROVISIONS RELATING TO THE RAJASTHAN CONSTITUENT ASSEMBLY

1 The Assembly shall consist of not more than 45 elected representatives of the people of the United State on the basis of one representative for approximately one lakh of the population and not more than six other persons to be nominated by the Raj Pramukh to represent special interests

2 The United State shall be divided into territorial constituencies and the total number of elected seats shall be distributed among them by assigning to each constituency one or two seats as may be convenient

3 The qualifications for membership of the Assembly and for being included in the electoral rolls shall be similar to those prescribed in relation to the Provincial Legislative Assembly of the United Provinces subject to necessary modifications

4 An order shall in due course be made and proclaimed by the Raj Pramukh providing consistently with the foregoing provisions of this Schedule for—

- (a) the delimitation of constituencies,
- (i) the preparation of electoral rolls,
- (j) the qualifications for membership of the Assembly
- (c) the qualifications entitling persons to vote in the elections
- (e) conduct of the elections including bye-elections for the filling of casual vacancies,
- (f) corrupt practices at or in connection with such elections and
- (g) the decision of doubts and disputes arising out of or in connection with such elections

In confirmation of the above Covenant we append our signatures on behalf of ourselves our heirs and successors

(Sd) Rulers of the Covenanting States

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof Mr Vapal Jangunn Venon Secretary to the Government of India in the Ministry of States appends his signature on behalf and with the authority of the Government of India.

(Sd) V P MENON,
Secretary to the Government of India,
Ministry of States

APPENDIX XVI

THE COVENANT

entered into by the Rulers of Gwalior Indore and certain other States in Central India for the formation of

THE UNITED STATE OF GWALIOR INDORE AND MALWA (MADHYA BHARAT)

We the Rulers of Gwalior Indore and certain other States in Central India

BEING CONVINCED that the welfare of the people of this region can best be secured by the establishment of a State comprising the territories of our respective States with a common Executive Legislature and Judiciary

AND HAVING resolved to entrust to a Constituent Assembly consisting of elected representatives of the people the drawing up of a democratic Constitution for the State within the framework of the Constitution of India to which we have already acceded and of this Covenant

DO HEREBY with the concurrence and guarantee of the Government of India enter into the following Covenant —

ARTICLE I

In this Covenant—

- (a) Covenantee State means any of the States mentioned in Schedule I the Ruler of which has whether by himself or by a duly authorised representative signed this Covenant
- (b) Covenantee Major State means the State of Gwalior or the State of Indore
- (c) Covenantee Salute State means any covenantee State which is mentioned in Part A of Schedule I
- (d) Covenantee Non Salute State means any Covenantee State which is mentioned in Part B of Schedule I and
- (e) unless there is anything repugnant in the subject or context references to the Ruler of a State include any person or persons for the time being exercising the powers of the Ruler whether by reason of his minority or for any other reason

ARTICLE II

(1) The Covenantee States agree—

- (a) to unite and integrate their territories in one State with a common executive legislature and judiciary by the name of the United State of Gwalior Indore and Malwa (Madhya Bharat) hereinafter referred to as the United State and
- (b) to include in the United State any other State the Ruler of which agrees with the approval of the Government of India to the merger of his State in the United State

(2) The terms of all the agreements of merger referred to in clause (b) of paragraph 1 of this Article shall be binding on the United State and shall be deemed to be part of this Covenant

ARTICLE III

(1) There shall be a Council of Rulers consisting of the Rulers of the Covenanted Salute States the Ruler of Kurwai and one Ruler to be elected from among themselves by the Rulers of the Covenanted Non Salute States to be than Kurwai

Provided that no Ruler who is less than 21 years of age shall be a Member of the Council

(2) The Council of Rulers shall elect at a meeting one member of the Council to be the President another to be the Senior Vice President and two others to be Junior Vice Presidents of the Council and the President so elected shall be the Raj Pramukh of the United State

Provided that the Rulers of the Covenanted Major States shall not take part in the voting for the election of either Junior Vice President

(3) For the purposes of the elections referred to in the preceding paragraph every member shall have such number of votes as is equal to the number of lakhs in the population of his State as ascertained at the last preceding census (any fraction more than half a lakh being reckoned as one lakh and any other fraction being ignored) provided that every member shall have at least one vote

(4) A Ruler elected as the President or as a Vice President of the Council shall be entitled to hold office as such President or Vice President as the case may be for a term of five years from the date on which he enters upon the duties of that office

(5) Notwithstanding anything contained in the preceding paragraphs of this Article the present Rulers of Gwalior Indore Dhar and Khilchipur shall respectively be the first President Senior Vice President and Junior Vice Presidents of the Council of Rulers and shall enter upon the duties of their respective offices on the 11th day of May 1948 the said President and Senior Vice President shall be entitled to hold office during their life time and the said Junior Vice Presidents shall be entitled to hold office for a term of five years from the said date

ARTICLE IV

(1) There shall be paid to the Raj Pramukh from the revenues of the United State a sum of Rs 2 50 000 per year as consolidated allowance in order that he may be enabled to discharge conveniently and with dignity the duties of his office

(2) There shall in each year be paid to the Senior Vice President from the revenues of the United State a sum of Rs 2 50 000 as consolidated allowance in order to enable him to discharge conveniently and with dignity the duties of his office

(3) There shall be paid from time to time to each Junior Vice President such allowances as the Raj Pramukh may consider appropriate to cover expenses on travelling in the discharge of such official duties as he may be directed to perform by the Raj Pramukh

(4) If the Raj Pramukh is by reason of absence or illness or for any other reason unable to perform the duties of his office those duties shall until he has resumed them be performed by the Senior Vice President During such period the Senior Vice President shall be entitled to the same salary allowances and other amenities as the Raj Pramukh

ARTICLE V

(1) There shall be a Council of Ministers to aid and advise the Raj Pramukh in the exercise of his functions except those under Article VII.

(2) The Ministers shall be chosen by and shall hold office during the pleasure of the Raj Pramukh.

ARTICLE VI

(1) The Ruler of each Covenantee State shall as soon as may be practicable and in any event not later than the first day of July 1948 make over the administration of his State to the Raj Pramukh and thereupon

(a) all rights, authority and jurisdiction belonging to the Ruler which appertain or are incidental to the Government of the Covenantee State shall vest in the United State and shall hereafter be exercisable only as provided by this Covenant or by the Constitution to be framed thereunder,

(b) all duties and obligations of the Ruler pertaining or incidental to the Government of the Covenantee State shall devolve on the United State and shall be discharged by it,

(c) all the assets and liabilities of the Covenantee State shall be the assets and liabilities of the United State, and

(d) the military forces if any of the Covenantee State shall become the military forces of the United State.

(2) When in pursuance of any such agreement of merger as is referred to in clause (b) of paragraph (1) of Article II the administration of any other State is made over to the Raj Pramukh the provisions of clauses (a), (b), (c) and (d) of paragraph (1) of this Article shall apply in relation to such States as they apply in relation to a Covenantee State.

ARTICLE VII

(1) In this Article scheduled areas means any of the areas specified in Schedule II.

Provided that the Raj Pramukh may in consultation with the Government of India by proclamation direct that the whole or any specified part of a scheduled area shall cease to be a scheduled area or a part of such an area.

(2) Subject to any directions or instructions that may from time to time be given by the Government of India in this behalf the authority—

(a) to make laws for the peace and good government of any scheduled area

(b) to raise, maintain and administer the military forces of the United State and

(c) to control the administration of the fund in Gwalior known as the Gangajali Fund and of any other existing fund of a similar character in any other Covenantee State

shall be exercised exclusively in the Raj Pramukh.

(3) Until other provision is made by an Act of the Legislature of the United State the right to resume Jajars or to recognise the succession according to law and custom to the rights and titles of a Jajarlal shall vest exclusively in the Raj Pramukh.

(4) Nothing in the preceding paragraphs of this Article shall be deemed to prevent the Raj Pramukh from consulting the Council of Ministers in regard to any of the matters mentioned therein.

ARTICLE VIII

The Raj Pramukh shall as soon as practicable and in any event not later than the fifteenth day of June 1948 execute on behalf of the United State an Instrument of Accession in accordance with the provisions of Section 6 of the Government of India Act 1935 and in place of the Instruments of Accession of the several Covenantee States and he shall by such Instrument accept as matters with respect to which the Dominion Legislature may make laws for the United State all the matters mentioned in List I and List III of the Seventh Schedule to the said Act except the entries in List I relating to any tax or duty

ARTICLE IX

Subject to the provisions of this Covenant and of the Constitution to be framed thereunder the executive authority of the United State shall be exercised by the Raj Pramukh either directly or through officers subordinate to him but the Raj Pramukh may from time to time consult the Senior Vice-President in important matters connected with the administration of the United State Nothing in this Article shall prevent any competent Legislature of the United State from conferring functions upon subordinate authorities or be deemed to transfer to the Raj Pramukh any functions conferred by any existing law on any Court Judge officer or local or other authority in a Covenantee State

ARTICLE X

(1) There shall be formed as soon as may be practicable a Constituent Assembly in the manner indicated in Schedule III and it shall be the duty of that Assembly to frame a constitution of a unitary type for the United State within the framework of this Covenant and the Constitution of India and providing for a Government responsible to the Legislature

(2) The Raj Pramukh shall constitute not later than the 1st day of August 1948 an interim Legislative Assembly for the United State in the manner indicated in Schedule IV

(3) Upon the formation of the Constituent Assembly referred to in paragraph (1) of this Article the interim Legislative Assembly shall automatically be dissolved and the legislative authority of the United State shall vest in the Constituent Assembly

Provided that until a Constitution framed by the Constituent Assembly comes into operation after receiving the assent of the Raj Pramukh the Raj Pramukh shall have powers to make and promulgate Ordinances for the peace and good government of the United State or any part thereof and any Ordinance so made shall for the space of not more than six months from its promulgation have the force of law as an Act passed by the interim Legislative Assembly or as the case may be the Constituent Assembly but any such Ordinance may be controlled or superseded by any such Act

ARTICLE XI

(1) The Ruler of each Covenantee State shall be entitled to receive annually from the revenues of the United State for his privy purse the amount specified against that Covenantee State in Schedule I

Provided that the sums specified in the Schedule in respect of the Rulers of Gwalior and Indore shall be payable only to the present Rulers of these States and not to their successors for whom provision will be made subsequently

(2) The said amount is intended to cover all the expenses of the Ruler and his family including expenses of his residences marriages and other ceremonies, etc and shall be subject to the provisions of paragraph (1) neither be increased nor reduced for any reason whatsoever

(3) The Raj Pramukh shall cause the said amount to be paid to the Ruler in four equal instalments at the beginning of each quarter in advance

(4) The said amount shall be free of all taxes whether imposed by the Government of the United State or by the Government of India

ARTICLE XII

(1) The Ruler of each Covenanting State shall be entitled to the full ownership use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of his making over the administration of that State to the Raj Pramukh

(2) He shall furnish to the Raj Pramukh before the first day of August 1948 an inventory of all the immovable properties, securities and cash balances held by him as such private property

(3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property it shall be referred to such person as the Government of India may nominate in consultation with the Raj Pramukh and the decision of that person shall be final and binding on all parties concerned

Provided that no such dispute shall be so referable after the first day of June 1949

ARTICLE XIII

The Ruler of each Covenanting State as also the members of his family shall be entitled to all the personal privileges dignities and titles enjoyed by them whether within or outside the territories of the State immediately before the 15th day of August 1947

ARTICLE XIV

(1) The succession according to law and custom to the *gaddi* of each Covenanting State and to the personal rights privileges dignities and titles of the Ruler thereof is hereby guaranteed

(2) Every question of disputed succession in regard to a Covenanting State shall be decided by the Council of Rulers after referring it to a bench consisting of all the available Judges of the High Court of the United State and in accordance with the opinion given by that High Court

ARTICLE XV

No enquiry shall be made by or under the authority of the United State, and no proceedings shall lie in any court in the United State against the Ruler of any Covenanting State whether in a personal capacity or otherwise in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State

ARTICLE XVI

(1) The United State hereby guarantees either the continuance in service of the permanent members of the public services of each of the Covenanting States on conditions which will be not less advantageous than those on which they were serving on the 15th April 1948 or the payment of reasonable compensation

(2) The United State further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in any of the Covenanting States to members of the public services of that State who have retired or proceeded on leave preparatory to retirement and the compassionate allowances granted to dependents of deceased members of those services before the date on which the administration of that State is handed over to the Raj Pramukh

(3) The provisions of paragraphs (1) and (2) of this article shall apply also in relation to the public services of any other State merging in the United State

ARTICLE XVII

Except with the previous sanction of the Raj Pramukh no proceedings civil or criminal shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of any Covenanting State before the date on which the administration thereof is made over to the Raj Pramukh

ARTICLE XVIII

Notwithstanding anything contained in the preceding provisions of this Covenant the Rulers of Gwalior and Indore shall continue to have and exercise their present powers of suspension remission or commutation of death sentences in respect of any person who may have been or is hereafter sentenced to death for a capital offence committed within the territories of Gwalior or of Indore as the case may be

SCHEDULE I

COVENANTING STATES AND PRIVY PURSE AMOUNTS

PART A—

Salute States

1	Almora	
2	Barwani	
3	Dewas (Senior)	
4	Dewas (Junior)	
5	Idhar	
6	Gwalior	25 0 000
7	Indore	15 00 000
8	Jagra	
9	Jhabua	
10	Kailashpur	
11	Narsinhgarh	
12	Rajgarh	
13	Rathin	
14	Sailana	
15	Surgau	

PART B—

Non Salute States

- 1 Jobat
- 2 Kathiwara
- 3 Kurwai
- 4 Mathwar
- 5 Piploda

SCHEDULE II

SCHEDULED AREAS

- 1 In Ratlam State —
Bajna Tehsil
- 2 In Sailana State —
Raoti Tehsil
- 3 In Alirajpur State —
Bhabra Tehsil Chandpur Tehsil Chhakatala Tehsil Nanpur Tehsil
and Rath Tehsil
- 4 In Barwani State —
Panseml Pargana Rajpur Pargana and Silawad Pargana
- 5 In Jhabua State —
Jhabua Tehsil Rambhupu Tehsil Ranpur Tehsil Thandla Tehsil
Umrao and Minor Jagirs
- 6 In Indore State —
Nisarapur Pargana Petlawad Pargana Segeon Pargana and Sendhwa
Pargana
- 7 In Gwalior State —
Sardarpur District
- 8 In Dhar State —
Mandu District Kukshi District and Numanpur District
- 9 Jobat State
- 10 Kathwara State
- 11 Mathwar State

NOTE — Any reference to any State District Tehsil Pargana or Jagir shall be construed as a reference to that State District Tehsil Pargana or Jagir as existing on the 1st day of April 1948

SCHEDULE III

PROVISIONS RELATING TO THE CONSTITUENT ASSEMBLY OF THE UNITED STATE OF MADHYA BHARAT

1 The Constituent Assembly shall consist of not more than 75 elected representatives of the people of the United State on the basis of one representative for approximately one lakh of the population

Provided that the people of each Covenanting Salute State and Kurwar shall irrespective of their number be entitled to elect at least one representative

2 The Constituent Assembly may co-opt experts and advisers to assist the Assembly in the task of constitution making. These experts and advisers so co-opted shall speak and otherwise take part in the proceedings of the Assembly or any Committee of the Assembly of which he may be so named a member but shall not be entitled to vote

3 The United State shall be divided into territorial constituencies and the total number of seats shall be distributed among them by assigning to each constituency one or two seats as may be convenient. As far as

possible the constituencies shall be so delimited as not to cut across the boundaries of any compact part of a Covenanting State

4 The qualifications for membership of the Assembly and for being included in the electoral rolls shall be similar to those prescribed in relation to the United Provinces Legislative Assembly subject to necessary modifications

5 An order shall in due course be made and proclaimed by the Raj Pramukh providing consistently with the foregoing provisions of this Schedule for—

- (a) the delimitation of constituencies
- (b) the preparation of electoral rolls
- (c) the qualifications for membership of the Assembly
- (d) the qualification entitling person to vote in the elections
- (e) conduct of the elections including bye elections for the filling of casual vacancies,
- (f) corrupt practices at or in connection with such elections and
- (g) the decision of doubts and disputes arising out of or in connection with such elections

SCHEDULE IV

PROVISIONS RELATING TO THE INTERIM LEGISLATIVE ASSEMBLY OF THE UNITED STATE OF MADHYA BHARAT

1 The Legislative Assembly shall consist of—

- (a) forty members elected by the members of the Gwalior Legislative Assembly
- (b) fifteen members elected by the members of the Indore Legislative Assembly and
- (c) 20 members elected by an electoral college to be constituted by the Raj Pramukh in consultation with the Government of India to represent Covenanting States other than Gwalior and Indore

2 The election shall be by proportional representation by means of the single transferable vote

3 The Raj Pramukh may make rules for carrying into effect the foregoing provisions of this Schedule and securing the due constitution of the interim Legislative Assembly

In confirmation of the above Covenantive append or sign it res on behalf of ourselves our heirs and successors

(Sd) *Members of the Covenanting States*

The Government of India hereby concur in the above Covenant and guarantee all its provisions In confirmation whereof Mr Vapal Pangunni Menon Secretary to the Government of India in the Ministry of States appends his signature on behalf and with the authority of the Government of India

(Sd) V P MENON

*Secretary to the Government of India
Ministry of States*

APPENDIX XVII

THE COVENANT

entered into by the Rulers of Faridkot Jind Kapurthala Malerkotla
Nabha Patiala Kalsia and Nalagarh

for the formation of

PATIALA AND EAST PUNJAB STATES UNION

We the Rulers of Faridkot Jind Kapurthala Malerkotla Nabha
Patiala Kalsia and Nalagarh

BEING CONVINCED that the welfare of the people of this region can best
be secured by the establishment of a State comprising the territories of our
respective States with a common Executive Legislature and Judiciary,

AND HAVING resolved to entrust to a Constituent Assembly consisting of
elected representatives of the people the drawing up of a democratic Con-
stitution for the State within the framework of the Constitution of India, to
which we have already acceded and of this Covenant

DO HEREBY with the concurrence and guarantee of the Government of
India enter into the following Covenant —

ARTICLE I

In this Covenant —

- (a) Covenanting State means any of the States mentioned in
Schedule 1 the Ruler of which has whether by himself or by
a duly authorised representative signed this Covenant
- (b) Covenanting Salute State means any Covenanting State which
is mentioned in Part A of Schedule 1
- (c) Covenanting Non Salute State means any Covenanting State
which is mentioned in Part B of Schedule 1 and
- (d) unless there is anything repugnant in the subject or context
references to the Ruler of a State include any person or persons
for the time being exercising the powers of the Ruler whether
by reason of his minority or for any other reason

ARTICLE II

The Covenanting States agree to unite and integrate their territories in
one State with a common executive legislature and judiciary by the name
of Patiala and East Punjab States Union hereinafter referred to as 'the
Union'

Provided that the Constituent Assembly of the Union formed under
Article X of this Covenant may adopt such other name for the Union as it
may deem appropriate

ARTICLE III

(1) There shall be a Council of Rulers consisting of the Rulers of the
Covenanting Salute States and one of the Rulers of the two Covenanting
Non Salute States who shall alternately for a period of five years hold
the seat assigned to them on this Council

Provided that no Ruler who is less than 21 years of age shall be a member
of the Council

(2) The Council of Rulers shall exercise such functions as are assigned
to it by this Covenant and such other functions if any as may be assigned
to it by or under the Constitution of the Union

(3) The Council of Rulers shall elect at a meeting one member of the Council to be the President and another to be the Vice President of the Council, and the President and the Vice President so elected shall be the Raj Pramukh and the Up Raj Pramukh respectively of the Union.

Provided that the Ruler of Patiala shall not take part in the voting for the election of the Vice President.

(4) For the purposes of the elections referred to in the preceding paragraph every member shall have such number of votes as is equal to the number of lakhs in the population of his State as ascertained at the last preceding census (any fraction more than half a lakh being reckoned as one lakh and any other fraction being ignored) provided that every member shall have at least one vote.

(5) A Ruler elected as the President or as a Vice President of the Council shall be entitled to hold office as such President or Vice President as the case may be for a term of five years from the date on which he enters upon the duties of that office.

(6) Notwithstanding anything contained in the preceding paragraphs of this Article the present Rulers of Patiala and Kapurthala shall respectively be the first President, and Vice President of the Council of Rulers and shall enter upon the duties of their respective offices on the 15th July, 1948 and the said President and the Vice President shall be entitled to hold office during their life time.

ARTICLE IV

(1) In order that they may be enabled to discharge conveniently and with dignity the duties of their respective offices the Raj Pramukh and the Up Raj Pramukh shall be paid from the revenues of the Union such consolidated annual allowances as the Government of India may prescribe.

(2) If the Raj Pramukh is by reason of absence or illness or for any other reason unable to perform the duties of his office those duties shall until he has resumed them be performed by the Up Raj Pramukh. During such period the Up Raj Pramukh shall be entitled to the same allowance and other amenities as the Raj Pramukh.

ARTICLE V

(1) There shall be a Council of Ministers to aid and advise the Raj Pramukh in the exercise of his functions except those under Article VII.

(2) The Ministers shall be chosen by and shall hold office during the pleasure of the Raj Pramukh.

ARTICLE VI

(1) The Ruler of each Covenantee State shall as soon as may be practicable and in any event not later than the 20th of August 1948 make over the administration of his State to the Raj Pramukh and thereupon,

- (a) all rights, authority and jurisdiction belonging to the Ruler which appertain or are incidental to the Government of the Covenantee State shall vest in the Union and shall hereafter be exercisable only as provided by this Covenant or by the Constitution to be framed thereunder,
- (b) all duties and obligations of the Ruler pertaining or incidental to the Government of the Covenantee State shall devolve on the Union and shall be discharged by it,
- (c) all the assets and liabilities of the Covenantee State shall be the assets and liabilities of the Union and
- (d) the military forces if any of the Covenantee State shall become the military forces of the Union.

ARTICLE VII

(1) Subject to any directions or instructions that may from time to time be given by the Government of India in this behalf the authority to raise, maintain and administer the military forces of the Union shall vest exclusively in the Raj Pramukh

(2) Nothing in the preceding paragraph of this Article shall be deemed to prevent the Raj Pramukh from consulting the Council of Ministers in regard to any of the matters mentioned therein

ARTICLE VIII

The Raj Pramukh shall as soon as practicable and in any event not later than the 30th of August 1948 execute on behalf of the Union an Instrument of Accession in accordance with the provisions of Section 6 of the Government of India Act 1935 and in place of the Instruments of Accession of the several Covenantee States and he shall by such Instrument accept as matters with respect to which the Dominion Legislature may make laws for the Union all the matters mentioned in List I and List III of the Seventh Schedule to the said Act except the entries in List I relating to any tax or duty

ARTICLE IX

Subject to the provisions of this Covenant and of the Constitution to be framed thereunder the executive authority of the Union shall be exercised by the Raj Pramukh either directly or through officers subordinate to him but the Raj Pramukh may from time to time confer on the Raj Pramukh in important matters connected with the administration of the Union. Nothing in this Article shall prevent any competent legislature of the Union from conferring functions upon subordinate authorities or be deemed to transfer to the Raj Pramukh any functions conferred by any existing law or any Court Judge officer or local or other authority on a Covenantee State

ARTICLE X.

(1) There shall be framed as soon as may be practicable a Constituent Assembly in the manner indicated in Schedule II and it shall be the duty of that Assembly to frame a constitution of a unitary type for the Union within the framework of this Covenant and the Constitution of India and providing for a Government responsible to the Legislature

(2) Until a Legislature elected in accordance with the terms of the Constitution framed by it comes into being the Constituent Assembly as constituted in the manner indicated in Schedule II shall function as the interim Legislature of the Union

(3) Until a Constitution framed by the Constituent Assembly comes into operation after receiving the assent of the Raj Pramukh the Raj Pramukh shall have power to make and promulgate Ordinances for the peace and good government of the Union or any part thereof and any Ordinance made by him for the purpose of not more than six months shall have the like force of law as an Act passed by the Constituent Assembly but any such Ordinance may be annulled or repealed by any such Act

ARTICLE XI

(1) The Ruler of each Covenantee State shall be entitled to receive annually from the revenues of the Union for his privy purse the amount specified against that Covenantee State in Schedule I,

2 The Constituent Assembly shall be constituted in such manner as the Raj Pramukh may in consultation with the Government of India prescribe

3 The Constituent Assembly may co-opt experts and advisers to assist the Assembly in the task of constitution making. An expert or adviser so co-opted shall speak and otherwise take part in the proceedings of the Assembly or any Committee of the Assembly of which he may be so named a member but shall not be entitled to vote

In confirmation of the above Covenant we append our signatures on behalf of ourselves our heirs and successors

(Sd) Rulers of the Covenantee States

The Government of India hereby concur in the above Covenant, and guarantee all its provisions. In confirmation whereof Mr Vapal Pangunni Menon Secretary to the Government of India in the Ministry of States appends his signature on behalf and with the authority of the Government of India

(Sd) V P MENON

*Secretary to the Government of India,
Ministry of States*

APPENDIX XVIII

WHEREAS by Instruments of Accession executed in August 1947 the Rulers of the States specified in the Schedule hereto have acceded to the Dominion of India,

AND WHEREAS by Covenant entered into in 1948 the Rulers of the said States have with the consent of the Government of India agreed to the integration of their respective territories into a single State known as the United State of in this Instrument referred to as the United State

AND WHEREAS it is expedient that a fresh Instrument of Accession should be executed on behalf of the United State replacing the Instruments of Accession executed in August 1947 by the Rulers of the said States and accepting as matters with respect to which the Dominion Legislature may make laws for the United State all matters mentioned in Part I and List III of the Seventh Schedule to the Government of India Act 1935 except matters relating to taxation

NOW THEREFORE I

Raj Pramukh of the United State of do hereby execute this Instrument of Accession for and on behalf of the United State and

I hereby declare that I accede to the Dominion of India with the intent that the Governor General of India the Dominion Legislature the Federal Court and any other Dominion authority established for the purposes of the Dominion shall by virtue of this Instrument of Accession be subject always to the terms thereof and for the purposes only of the Dominion exercise in relation to the United State such functions as may be vested in them by or under the Government of India Act 1935 as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as 'the Act')

2 I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the United State so far as they are applicable therein by virtue of this Instrument of Accession

3 I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the United State

Provided that nothing contained in the said Lists or in any other provision of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the United State or to prohibit the imposition of any duty or tax by the Legislature of the United State in the said territories,

Provided further that where a law of the United State with respect to one of the matters enumerated in the said List III contains any provisions repugnant to the provisions of an earlier Dominion Law or an existing law with respect to that matter then if the law of the United State having been reserved for the consideration of the Governor General of India has received the assent of the Governor General the law of the United State shall prevail in the United State but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter,

Provided further that no Bill or amendment for making any provision repugnant to any law of the United State which having been so reserved has received the assent of the Governor General shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor General

4 I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor General and the Raj Pramukh of the United State whereby any functions in relation to the administration in the United State of any law of the Dominion Legislature shall be exercised by the Raj Pramukh then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly

5 I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the United State

6 The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act 1947 unless such amendment is accepted by the Raj Pramukh of the United State by an Instrument supplementary to this Instrument

7 Nothing in this Instrument shall empower the Dominion Legislature to make any law for the United State authorising the compulsory acquisition of land for any purpose but should the Dominion for the purposes of a Dominion Law which applies in the United State deem it necessary to acquire any land the Raj Pramukh of the United State shall at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the United State transfer it to them on such term as may be agreed or in default of agreement determined by an arbitrator to be appointed by the Chief Justice of India

8 Nothing in this Instrument shall be deemed to commit the United State in any way to acceptance of any future constitution of India or to fetter the discretion of the Government of the United State to enter into arrangements with the Government of India under any such future constitution

9 Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the United State or any part thereof

10 The Instruments of Accession executed in August, 1947 by the Rulers of the States specified in the Schedule hereto are hereby cancelled

Given under my hand this.... .. day of . 1948

..... ..

I do hereby accept this Instrument of Accession

Dated this .. day of .. Nineteen hundred and
forty-eight.

.....
Governor General of India

SCHEDULE

— — — — —

APPENDIX XIX

Statement showing Area, Population and Revenue of States that have merged with the Provinces or the Centre or have combined to form new States.

Date of Merger or integration	Names of States	Number of States	Province with which merged	Area in sq miles (approx)	Population (in lakhs)	Revenue (in lakhs)
1	2	3	4	5	6	7
January 1st, 1948	(i) Atli gadh, Athmalik Bamra, Baranba, Baudh, Bond, Daspalla, Dhonkimal, Ghatampur, Hindol, Kalahandi, Konyhar, Khandigara, Narasingpur, Nayagarh, Nilgiri, Pal Lahara, Patna, Rairakhol, Raipur, Sonepur, Talchar, Tigiria	(i) 23	(i) Orissa.	28 037	40 46	98 74
January 1st 1948	(ii) Baster, Chanchhakar, Chhaukhadan, Jashpur, Kanker, Kawardia, Khara, Koraput, Kores, Nandgaon, Raigarh, Sakta, Sarangorh, Surguja, Udaipur	(ii) 14	(ii) C P & Berar	31 698	28 20	98 00
February 1st, 1948	(iii) Malkai	(iii) 1	(iii) C P & Berar	151	14	25
February 23rd, 1948	(iv) Loharu	(iv) 1	(iv) East Punjab	226	28	1 90
February 22nd, 1948	(v) Jangasapalle	(v) 1	(v) Madras	259	45	9 25
March 3rd, 1948	(vi) Podukkottai	(vi) 1	(vi) Madras	1 185	4 38	27 56
March 3rd 1948	(vii) Dejana	(vii) 1	(vii) East Punjab	91	31	4 15

Date of Merger or integration	Names of States	Number of States	Provinces with which merged	Area in sq. m. (approx.)	Population (in lakhs)	Revenue (in lakhs)
1	2	3	4	5	6	7
March 8th 1948	(viii) Alakot Anand Bhor Jamkhand Jath Kurundwad (Junior) Kurundwad (Senior) Miraj (Junior) Miraj (Senior), Mudhol Ranadurg Sangli Savar Sawantwadi Wadi Jagtir Jajira and Phalten	(viii) 17	(viii) Bombay	7 651	10.93	142.10
April 7th 1948	(ix) Patandi	(ix) 1	East Punjab	53	23	4.26
April 15th, 1948	(x) The Punjab Hill States of Baghal Baghal Balaan Bashaar Bhajji Bys Daktoti Dhami Jubbai Keonthal Kumarsan Kanbar Kuthar Mahlog Sangri Margal Srinur Tharoch Chamba, Mandi and Suket	(x) 21	These areas will be centrally administered as a unit to be known as the Himachal Pradesh	10 600	9.35	84.56
May 18th 1948	(xi) Sero Kela and Kharawan*	(xi) 2	Bihar	623	2.08	6.45
June 1st, 1948	(xii) Kutch	(xii) 1	This will be a centrally administered area	8 461	5.01	80.00
June 10th, 1948	(xiii) The 18 full jurisdictional Gujarat States of Balasoor Kanada Kania, Cambay Chhota Udaipur Dharampur Jawhar Lonawada Rajppla Sachin Sant, Idar Vajynagar Das a Palanpur Jumbhoda and Sirohi and the semi jurisdictional and non jurisdictional thanas Estates and talukas of Gujarat	(xiii) 157	Bombay	19 300	27.09	165.00
Total				103 895	134.01	705.40

* These two States were in the first instance merged with the Orissa Province

Date of merger or integration	Names of States	Number of States	Name of Union	Area in sq miles (approximate)	Population in lakhs	Revenue in lakhs
1	2	3	4	5	6	7
II—UNIONS						
February 16th, 1948	(c) 449 Units including the 30 juridic tional States of Nawagar, Bharnagar, Porbandar, Dhrangadhre, Morvi, Gondal, Jafrahad, Raykot, Wankaner, Palitana, Dhol, Chuda, Lumbh, Wadhwan, Lakhtar, Sayla, Vela Jadsa, Amarnagar (Then derhi), Vadia, Lathi, Muli, Bayana, Virpur, Mahye, Kotda-Sangani Jetpur, Bulkha, Paldi and Kharsa	217	Saurashtra	31 895	35 22	800 00
March 17th, 1948	(ii) Alwar, Bharatpur, Dholpur, and Karauli.	4	The United State of Malaya	7,536	18 98	183 06
April 2nd, 1948	(iii) Ajmer, Baoni, Baran, Bha- lipur, Chhatrapur, Charkhari, Datta, Mahes, Nagod, Orchha, Panna, Rewa, Samthar, Alipur, Banks, Pahari, Beri, Bharsaundha, Bihet, Bijoa, Bhurwa Gaurihar, Garnuli Jaso, Jigni Kamta Rajaula, Kharadkhana, Kothi, Lugaai, Naigawan Robar, Pabra, Paldeo (Nayagaon), Sarila Tarson and Ton-Patehpur	35	The United State of Vindhya Pradesh	24 610	35 69	243 30
April 18th, 1948	(iv) Banswara, Bundi, Dungarpur, Jhalawar, Kishanganj, Kota, Partabgarh, Shabpur, Tonk and Udaipur	10	The United State of Rajasthan	29 977	42 61	316 67

Date of merger or integration.	Names of States	Number of States	Name of Union	Area in Sq miles (approximate)	Population in lakhs	Revenue in lakhs
	3	3	4	5	6	7
May 15th, 1948	Ahraypur, Barwani, Dewas (Senior), Dewas (Junior) Dhar, Gwalior, Indore, Jaora, Jhabua, Khilchipur, Narsingarh, Rajgarh, Ratlam, Saffana, Sitaman, Jobat, Kathiawar, Kuzwai, Mathwar, and Piploda	20	Gwalior Indore- Malwa Union	43,273	71.50	778.43
July 15th, 1948	Patiala, Kapurthala, Nabha, Jind, Faridkot, Malerkotla Nalagarh and Kalra	8	Patiala and East Punjab States Union	10,119	34.21	500.00
	TOTAL	284		150,400	237.64	2819.45
	GRAND TOTAL	533		254,233	372.35	3525.85

List of States having individual representation on the Constituent Assembly of India and treated as viable units

No	State	Area	Population
		8,285	2,855,010
1	Boroda	26,008	4,006,159
2	Gwalior*	83,313	16,888,534
3	Hyderabad	84,471	4,021,616
4	Jammu & Kashmir	29,458	7,329,140
5	Mysore	6,921	1,853,322
6	Bhopal	9,934	1,513,966
7	Indore*	3,219	1,092,046
8	Kolhapur	7,662	6,070,018
9	Travancore	13,170	1,926,698
10	Udaipur (Mewar)*	23,181	1,212,938
11	Bikaner	1,493	1,422,875
12	Cochin	15,610	3,040,876
13	Jaipur	36,120	2,555,904
14	Jodhpur	5,714	7,7898
15	Kotah*	5,4	1,933,259
16	Patiala*	12,830	1,820,445
17	Rewa*	3,158	823,055
18	Alwar*	4,031	990,977
19	Mayurbhanj		

*These States have joined one or other of the Unions for need

List of non viable States not affected so far by any merger or integration scheme

S No	State	Area.	Population
		266	451,428
1	Benares	1,318	640,842
2	Cooch Behar	12,980	93,246
3	Jaisalmer	3,788	213,586
4	Khasi States	8,620	12,069
5	Manipur	894	477,042
6	Rampur	159	15,814
7	Sandur	4,516	97,369
8	Tehri Garhwal	4,116	113,010
9	Tripura		